



**TOWN OF CARTHAGE
PLANNING BOARD
April 4th, 2024
6:00 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA** - Members of the board may remove or add items to the agenda prior to commencing the meeting. Motions/votes are not required to approve the agenda but there must be unanimous consent before proceeding.
- 5. CONSENT AGENDA** - All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Planning Board to remove an item from the consent agenda and place it on the regular agenda.
 - a. Approval of minutes from March 7th, 2024, Regular Meeting Minutes.
- 6. PUBLIC COMMENT** - Members of the public may use this time to address the Planning Board with any presentations, questions or concerns. Those who wish to speak should fill out the sign-up sheet in the building's entryway to be recognized during the public comment session or raise their hand and wait to be recognized by the presiding member. All public comment made as part of a public hearing should be withheld until the public hearing has begun and the floor is given to public comments. No public comment will be had outside of this public comment session or a public hearing unless otherwise permitted by the members of the board. The chairperson may place time limits on speakers prior to the start of the public comment session.

7. OLD BUSINESS

8. NEW BUSINESS

- a. Rezoning of PID #00000913701 from TBD to Industrial; Petitioner: Clayton Speer
- b. Site Plan Review for PID #00005186 for H20 of the Sandhills Carwash; Petitioner:
Rhetson Companies, Inc.
Text Amendment for Short-Term Rentals within the Unified Development Ordinance;
Petitioner: Town of Carthage Planning Staff

9. OTHER BUSINESS OF THE BOARD

No other business.

10. ADJOURNMENT

**TOWN OF CARTHAGE
PLANNING BOARD
MEETING MINUTES**

March 7th, 2024

Attendance: David Norris, Bill Smyth, Victoria Riddle, Elizabeth Futrell, Ian Lumgair and Antoniette Kelly.

Absent: Dena DeLucia

1. CALL TO ORDER

- a. Elizabeth Futrell called the meeting to order at 6:00. p.m.

2. INVOCATION

- a. Elizabeth Futrell gave the invocation.

3. PLEDGE OF ALLEGIANCE

4. SWEAR IN PLANNING BOARD MEMBER

- a. Newly appointed planning board member, Ian Lumgair, was sworn in by Town Manager and Certified Notary, Emily Yopp.

5. APPROVAL OF AGENDA

- a. Jennifer Hunt, Town Planner, stated that the training session will be provided via email for the Planning Board to complete on their personal time. Ms. Hunt also stated that item A in New Business, Rezoning of PID #00000913701 from TBD to Industrial has been requested to be postponed until April's regularly scheduled meeting. Elizabeth Futrell made a motion to approve the agenda with the addition as presented. All ayes. Motion passes 6-0.

6. CONSENT AGENDA

- a. All ayes. All approved of the February 1st,2024, regular meeting minutes, February Code Enforcement, February Planning and Permitting Report. Motion passes 6-0.

7. PUBLIC COMMENT

- a. No Public Comment.

8. OLD BUSINESS

- a. *Planning Board Budget Report*

Jamie Sandoval presented the 2023-2024 Planning Board Budget Report. The Chair of the Planning Board, Elizabeth Futrell, and Jamie Sandoval worked closely to write up the report to present to the Board of Commissioners during their Budget Session. The five requests that were made within the report included: Planning Board training opportunities, updated technology in the McDonald Building for monthly meetings, Planning Board Conferences to attend, monthly reports from Town staff to Planning Board about the decision of the Board of Commissioners, and an annual lunch/dinner for the Planning Board and Board of Commissioners.

Antoniette Kelly motioned to approve the Planning Board Budget Report as written and presented. David Norris seconded the motion. All ayes. Motion passes 6-0.

9. NEW BUSINESS

- a. *Rezoning of PID #00000913701 from TBD to Industrial; Petitioner: Clayton Speer*

This public hearing has been postponed until the Planning Board regularly scheduled meeting on April 4th, 2024.

- b. *Conditional Zoning Request for the project known as "Hillcrest 230kV Substation" located at PID #00000944701; Petitioner: Duke Energy*

Jennifer Hunt began the staff presentation by stating that the applicant, Duke Energy is requesting a Conditional Zoning request for parcel ID #00000944701 to allow for a chain-link fence with barbed wire to protect the substation as protocol. The substation is allowed to be constructed in the zone, RA-40; however, because of the request of the chain-link fence not allowed per the Unified Development Ordinance, the applicant must go through the Conditional Zoning process. For full disclosure, Ms. Hunt also explained that the parcel has already been obtained from Ms. Victoria Riddle, on the Planning Board, and Ms. Riddle is not benefiting from the rezoning process of the parcel in question.

Ms. Amy Crout gave the presentation about the substation. Ms. Crout explained that the chain-link fence is a standard required by all Duke Energy substations in

which does not block the view from the inside. Ms. Crout stated that the fence must be visible for safety purposes.

Mr. David Norris asked about the vegetation around the property and if there would be any added vegetation. Ms. Crout stated that there will not be any additional vegetation; however, there is vegetation around the property near the property lines, not where the substation will be installed.

Mr. Norris also asked if the substation was going to provide electricity for the growth in the area. Ms. Crout stated that the substation will not provide additional electricity, rather it is considered a redundancy station in case there are outages, there will be an additional substation to provide that energy. The substation will only increase resiliency in Moore County.

Ms. Elizabeth Futrell asked if there were any concerns from surrounding neighbors. Ms. Hunt stated that she did not receive any calls.

Mr. Lumgair asked where the substation would be in regard to the cemetery. Ms. Crout stated that the substation was going to be at least 800 feet from any property lines and the cemetery. Mr. Lumgair asked if there were any other security measures. Ms. Crout stated that there is a whole team that manages risks and oversees that portion of the project.

There was a public comment made by Mr. John McDonald in regard to the existing substations. Ms. Crout stated that there are some upgrades along the Cape Fear and West End route.

David Norris made a motion to approve CZ-01-24 and its consistency with the adopted Land Use Plan, Goal 2. Bill Smyth seconded the motion. All ayes. Motion passes 6-0.

David Norris made a motion to approve CZ-01-24 as written and presented. Bill Smyth seconded the motion. All ayes. Motion passes 6-0.

10. OTHER BUSINESS

a. Training Discussion

Ms. Hunt stated that she would assign all planning board members the link to receive the training course.

11. ADJOURNMENT

Elizabeth Futrell made a motion to adjourn the meeting. Bill Smyth seconded the motion. All ayes. Motion passed 6-0. Meeting adjourned 6:24 p.m.



MEMORANDUM

Date: March 7, 2024

To: Planning Board

From: Jennifer Hunt, Town Planner

Subject: R-01-24: Rezoning for Clayton Speer's land located on the south portion of PARID 00000913701; Rezone from TBD (Thoroughfare Business District) to I (Industrial); Petitioner: Lauren Rothlisberger

I. SUMMARY OF APPLICATION REQUEST:

The applicant, Lauren Rothlisberger, on behalf of property owner Clayton Speer is requesting a rezoning for the south portion of PARID 00000913701, which is located off NC US 15-501 behind 3812 US 15-501, Carthage Saw & Mower. Currently the north portion of this property is zoned "I-CZ" and the south portion is zoned TBD. The north portion is zoned "I-CZ" to allow for a laydown yard for Duke Energy, a temporary use approved in 2023. The south portion is being requested to be an Industrial zone. The applicant would like to create flexible warehouses for industrial use, which are permitted use in the Industrial zoning district and cohesive with the current uses surrounding this property.

II. PROJECT INFORMATION:

1. PARID: 00000913701
PIN: 858817200988
2. Applicant: Lauren Rothlisberger
3. Owner: Clayton L Speer
4. Long-Range Plan Designation:
This future area of this land appears to be commercial or industrial, per the adopted 2040 Land Use Plan.
5. Current Zoning:
The current zoning is TBD, Thoroughfare Business District, on the south portion and I-CZ on the north portion. The applicant is requesting a rezoning to I, Industrial, and to purchase approximately 5 acres on the south portion.

III. APPLICATION REVIEW:

When reviewing an application for conditional zoning, the Planning Board shall consider and be guided by Article 3. Below is highlighted Section 100.32, Section 100.42 and Section 100.44 (4) as set forth in UDO:

Sec. 100.32 Planning Board – Powers and Duties

In addition to its specific duties set forth in this and other Town Ordinances and policies, the Planning Board shall have the following powers and duties:

1. *To make studies of the Town and surrounding areas;*
2. *To determine objectives to be sought in the development of the Town;*
3. *To propose and recommend plans for achieving these objectives;*
4. *To develop and recommend to the Board of Commissions policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;*
5. *To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;*
6. *To exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this article or other ordinances of the Town; and*
7. *To perform other related duties as may be assigned by this article or other ordinances.*

Section 100.42 Types of Amendments:

Amendments may be to the text of the ordinance or take the form of map amendments, often known as rezoning. The Town of Carthage recognizes three types of amendments.

1. *Text Amendments. This type of amendment is used when a party chooses to modify the actual text of the ordinance. This is a legislative decision by the Board of Commissioners.*
2. *Map Amendments. This type of amendment is used when a party chooses to change a zoning district from one type to another. Often known as a straight rezoning, it recognizes that the change in district allows for all uses allowed within a given zoning district. It cannot be conditioned in any way. This is a legislative decision by the Board of Commissioners.*
3. *Conditional Zoning. Conditional Zoning is an amendment process that is both a map amendment and a text amendment. It is a legislative decision by the Board of Commissioners, but it allows for the placement of conditions and/or limits on the approval.*

Section 100.44 (4) Planning Board

All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input. The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request.

A. Staff Comments:

Staff have met with Lauren Rothlisberger and Clayton Speer in February 2024 to discuss her proposed project for flexible warehouses used for industrial purposes. Town Planner, Jennifer Hunt, researched this property and found that it appears the southside zoning of TBD was overlaid when the zoning districts were first established, possibly in 1998. The north portion was not within the town limits and the bottom portion was. The property owner, Clayton Speer, was under the impression that it was zoned Industrial. Nevertheless, this process is intended to “clean up” the zoning map and make sure that the entire property is zoned “Industrial.” Lauren Rothlisberger intends to purchase approximately 5.27 acres of land from Clayton Speer located on the south portion of PARID 00000913701. Please view Attachment 1 for the “Recombination Survey.”

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

- 1. Recombination Survey- Rezoning of approximately 5.27 acres

V. PLANNING BOARD ACTION:

The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request. All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input, per UDO Section 100.42 and 100.44.

The Planning Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Planning Board shall vote on the petition (**two motions required**). The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

LUP CONSISTENCY MOTION (1st Required Motion)

I move to:

OPTION 1

Approve R-01-24 and describe its consistency with the adopted Land Use Plan.

or

OPTION 2

Reject R-01-24 and describe its inconsistency with the adopted Land Use Plan.

or

OPTION 3

Approve R-01-24 and deem it a modification of the adopted Land Use Plan. The Planning Board believes this action taken is reasonable and in the public interest because.....

PETITION MOTION (2ND Required Motion)

And, therefore, I move to:

OPTION 1

Approve R-01-24 as written and presented.

or

OPTION 2

Approve R-01-24 with the following conditions.....

(Option 3 on next page)

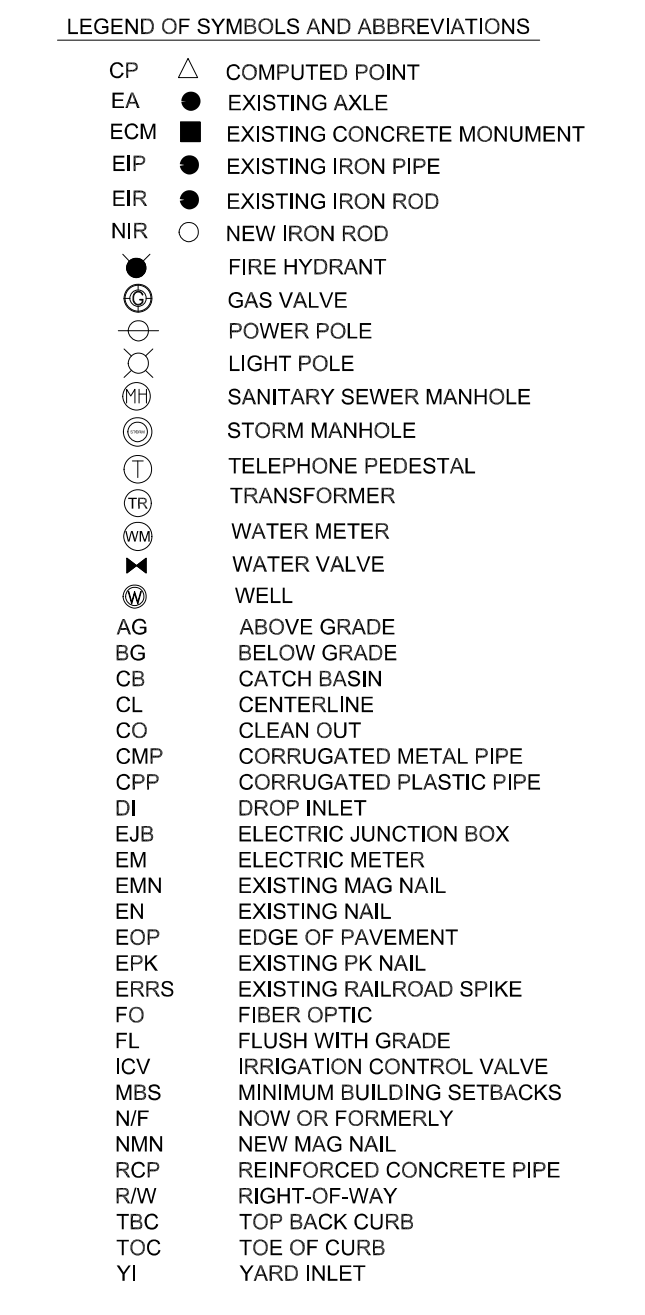
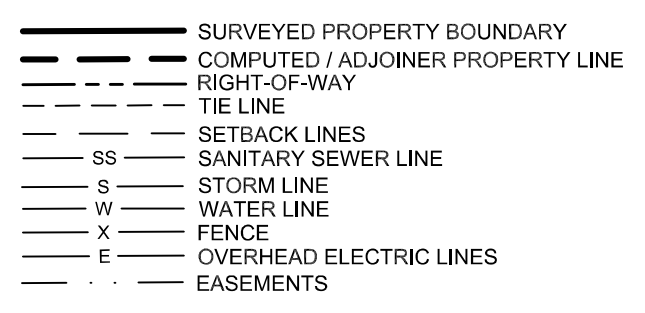
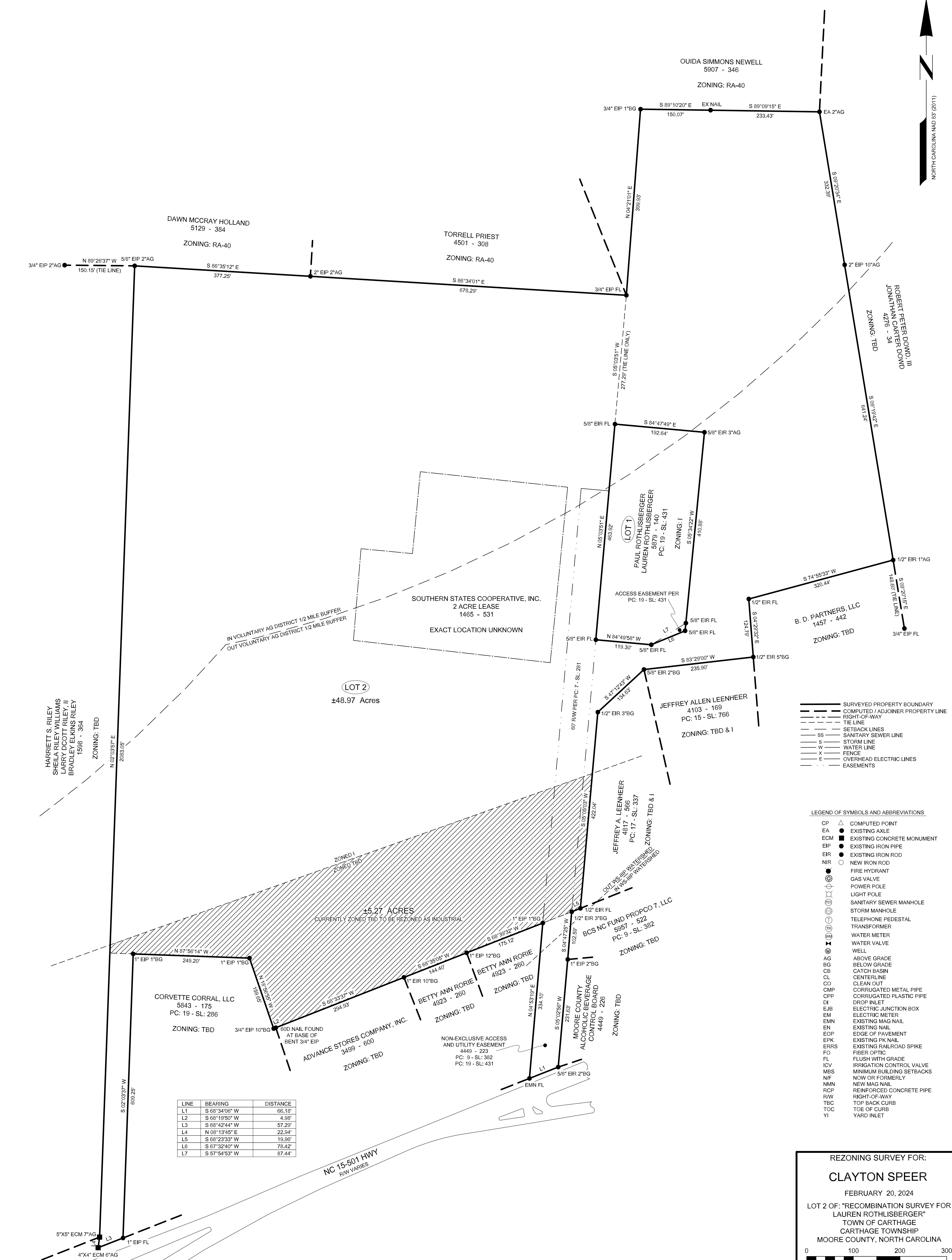
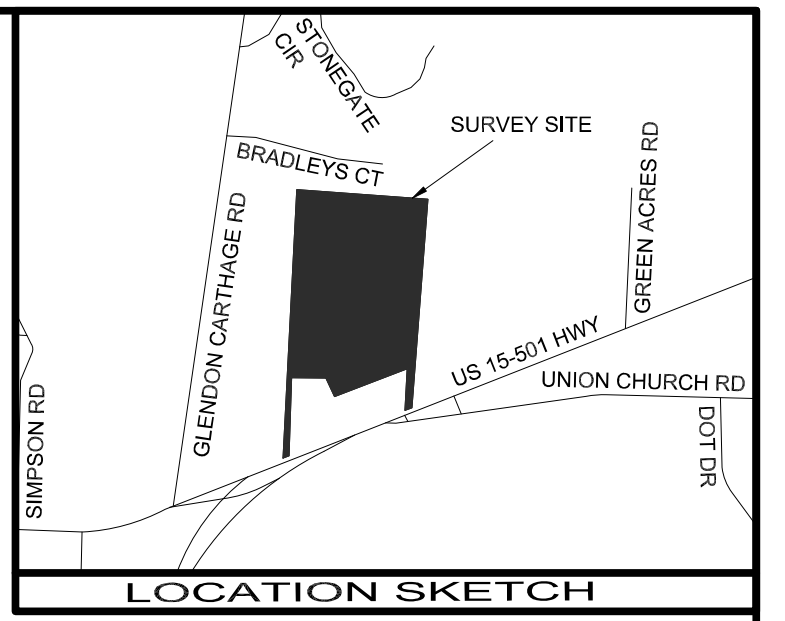
OPTION 3

Deny R-01-24 for the following reasons.....

I, DAVID R. ESSICK, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN (SEE REFERENCE TABLE); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN (SEE REFERENCE TABLE); AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.100).

THIS 20TH DAY OF FEBRUARY, A.D., 2024.
 PROFESSIONAL LAND SURVEYOR, L.S. 423

"PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES"



LINE	BEARING	DISTANCE
L1	S 68°34'00" W	66.18'
L2	S 68°19'50" W	4.98'
L3	S 68°42'44" W	57.29'
L4	N 08°13'45" E	22.94'
L5	S 68°23'33" W	19.96'
L6	S 67°32'40" W	78.42'
L7	S 57°54'53" W	87.44'

- NOTES:
- THIS PROJECT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER NCFRRS. MAP # 3710855800J EFFECTIVE DATE: 10/17/2009
 - ACREAGE DETERMINED BY COORDINATE METHOD
 - ALL LINES SURVEYED BY DZT LAND SURVEYING, PLLC ARE SHOWN BY BOLD LINES. ALL LINES NOT SURVEYED ARE INDICATED BY DASHED LINES.
 - TAX PARCEL ID: 00000913701 & 940000574
 - ZONING: I & TBD
 - PUBLIC WATER SUPPLY WATERSHED: W-5-NHP
 - NO ATTEMPT WAS MADE BY THIS SURVEY TO LOCATE ALL UNDERGROUND UTILITIES NOR ANY OTHER EASEMENTS OR CONVEYANCES THAT WOULD BE REVEALED BY A TITLE SEARCH
 - VERIFY MINIMUM BUILDING SETBACKS BEFORE CONSTRUCTION.
 - LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM SHOWN LOCATIONS. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION ON UTILITIES AFFECTING THE PROPERTY.
 - THIS PROPERTY MAY CONTAIN WETLANDS ACCORDING TO MOORE COUNTY GIS
 - NO PROPERTY BOUNDARY SURVEYED AT THIS TIME

REZONING SURVEY FOR:
CLAYTON SPEER
 FEBRUARY 20, 2024
 LOT 2 OF "RECOMBINATION SURVEY FOR LAUREN ROTHLSBERGER"
 TOWN OF CARTHAGE
 CARTHAGE TOWNSHIP
 MOORE COUNTY, NORTH CAROLINA

PROPERTY ADDRESS:
 3808 US 15-501 HWY
 CARTHAGE, NC 28327

REFERENCE TABLE:
 DEED BOOK 2610, PAGE 226
 DEED BOOK 2610, PAGE 235
 PLAT CABINET 7, SLIDE 281
 PLAT CABINET 19, SLIDE 431
 MOORE COUNTY REGISTRY

OWNER'S ADDRESS:
 CLAYTON L. SPEER
 PO BOX 384
 CARTHAGE, NC 28327

LAND SURVEYING, PLLC NC FRM: P-2956
 SUITE 5 7500 NC HWY 15501 WEST END, NC 27376
 JOB#: 1775

**TOWN OF CARTHAGE
PLANNING BOARD
STATEMENT OF LAND USE PLAN CONSISTENCY
FOR THE REZONING OF PARCEL ID #00000913701 FROM
THOROUGHFARE BUSINESS DISTRICT TO INDUSTRIAL**

WHEREAS, amendments to the Town of Carthage Unified Development Ordinance have been proposed, which amendments are identified as follows:

NOW THEREFORE, the Planning Board of the Town of Carthage resolves as follows:

Section 1. The Planning Board concludes that the above-described amendment(s) **are/are not** consistent with the Town of Carthage 2040 Land Use Plan, as amended based on the following:

- Goal 1: Preserve and celebrated small-town community roots.**
- Goal 2: Coordinated, intentional, and well-planned growth and development.**
- Goal 3: Protection of open space and critical natural features.**
- Goal 4: Ample employment opportunities and support for business development.**
- Goal 5: Vibrant commercial areas that provide a variety of goods, services, entertainment options, and amenities.**
- Goal 6: A well-connected multi-modal transportation system.**
- Goal 7: High-quality parks and recreational facilities that are accessible to all.**
- Goal 8: Protected and preserve historic and cultural resources.**
- Goal 9: Adequate supply and high quality of housing.**
- Goal 10: Informed, engaged, and active residents that represent a variety of neighborhoods and citizen groups.**
- Goal 11: Regulations that are consistent with the Town’s vision.**
- Goal 12: Cultural, educational, recreational, and other amenities that contribute to the quality of life of Carthage’s citizens.**

The applicant, Lauren Rothlisberger, on behalf of property owner Clayton Speer is requesting a rezoning for the south portion of PARID 00000913701, which is located off NC US 15-501 behind 3812 US 15-501, Carthage Saw & Mower. Currently the north portion of this property is zoned “I-CZ” and the south portion is zoned TBD. The north portion is zoned “I-CZ” to allow for a laydown yard for Duke Energy, a temporary use approved in 2023. The south portion is being requested to be an Industrial zone. The applicant would like to create flexible warehouses for industrial use.

Section 2. Please state the Planning Board’s reasonings/findings for the approval or disapproval of this consistency statement based on the above selected goals.

Section 2. The Planning Board concludes that the above-described amendment(s) **are/are not** reasonable and in the public interest as they **do/do not** fulfill a direct objective of the Land Use Plan.

This statement adopted the _____ day of _____, 2024

Elizabeth Futrell, Chair

Jamie Sandoval, Clerk to the Planning Board



MEMORANDUM

Date: April 04, 2024
To: Planning Board
From: Jennifer Hunt, Town Planner
Subject: S-01-24: Site Plan for H2O of the Sandhills Car Wash, PARID 00005186 (bottom portion);
Petitioner: Rhetson Companies, Inc.

I. SUMMARY OF APPLICATION REQUEST:

The applicant, Rhetson Companies, Inc. on behalf of CSMB Holdings, LLC, submitted a “Zoning/Subdivision Request Form” for a site plan approval to do a carwash located at the bottom portion of parcel 00005186. See Figure 1 below for the location. The whole parcel for 00005186 is 46.56 acres. This car wash project is on 1.286 acres, 56,034 square feet of the total parcel.

The current zoning of this parcel is HCD-CZ (Highway Commercial District- Conditional Zoning) and the commercial uses according to Ordinance 22.18 shall coincide with the B2 zoning district. A car wash is a permitted use in the B2 zoning district. It is subject to Special Requirements 23 which says in Unified Development Ordinance (UDO) Section 100.56A*, “A. No such facility shall be operated within three hundred (300) feet of a residential district.”

This project is located within the Cape Fear, Little River (Vass), WS-IIIIP. Therefore, the impervious surface area for a non-residential project is limited to 24% built upon area, which is approximately .3096 acres. This project calls for impervious built upon area of .66 acres, which is 51.28% of the total project 1.286 acres. Therefore, the applicant will need, according to Section 100.68 “Watershed Protection Overlay District – I”, approval for the “Special Density Allocation in the Little River WS III Balance of Watershed.”

UDO Section 100.68.I. says, “I. Special Density Allocation in the Little River WS III Balance of Watershed: Special non-residential intensity allocation up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses to seventy percent (70%) built-upon area on a project-by-project basis, provided that the following conditions are met:

1. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed;
2. The Board of Commissioners must approve the Special Non-Residential Intensity Allocation;
3. Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

Figure 1: Site Location outlined in red.



II. PROJECT INFORMATION:

1. PARID: 00005186 (PIN: 857600461373)
2. Applicant: Rhetson Companies, Inc.
2075 Juniper Lake Road West End, NC 27376
permits@rhetson.com
3. Owner: CSMB Holdings, LLC
104 Whitecraigs Court Pinehurst, NC 28374
4. Long-Range Plan Designation:
This future area of this land appears to be commercial per the adopted 2040 Land Use Plan.
5. Current Zoning:
The current zoning is HCD-CZ (Highway Commercial District Conditional Zoning).

III. APPLICATION REVIEW:

A. Review Process:

Applications for site plan review are pursuant to UDO Section 100.32, Section 100.44 and Section 100.64 "Site-Specific Vesting Plan."

Sec. 100.32 Planning Board – Powers and Duties

In addition to its specific duties set forth in this and other Town Ordinances and policies, the Planning Board shall have the following powers and duties:

1. *To make studies of the Town and surrounding areas;*
2. *To determine objectives to be sought in the development of the Town;*
3. *To propose and recommend plans for achieving these objectives;*
4. *To develop and recommend to the Board of Commissions policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;*
5. *To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;*
6. *To exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this article or other ordinances of the Town; and*
7. *To perform other related duties as may be assigned by this article or other ordinances.*

Section 100.44 (4) Planning Board

All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input. The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request.

C. Staff Comments:

A car wash is a permitted use in the B2 zoning district. It is subject to "Special Requirements- 23 (SR 23)" which says, "SR 23. Car Washes; Truck Washes A. No such facility shall be operated within three hundred (300) feet of a residential district." It is not within 300 feet of a residential district. It is surrounded by Highway Commercial District in the north and the east.

Per Section 100.64.C. it says, "C. Upon receipt of a qualified and complete site plan application the Administrator shall submit the plan to the Planning Board for review and recommendation to the Board of Commissioners at the Planning Board's next regular meeting occurring at least ten (10) 17

days after receipt of the application. Failure of the Planning Board to make a recommendation to the Board of Commissioners within sixty (60) days of first consideration shall be considered a favorable recommendation.”

This site plan meets the current UDO standards and was received on March 15, 2024. Therefore, the Planning Board is to review and make a recommendation to the Board of Commissioners. This is the process.

This project is located within the Cape Fear, Little River (Vass), WS-IIIIP. Therefore, the impervious surface area for a non-residential project is limited to 24% built upon area, which is approximately .3096 acres. This project calls for impervious built upon area of .66 acres, which is 51.28% of the total project 1.286 acres. Therefore, the applicant will need approval from the Board of Commissioners, according to Section 100.68 “Watershed Protection Overlay District – I”, approval for the “Special Density Allocation in the Little River WS III Balance of Watershed.”

UDO Section 100.68.I. says, “I. Special Density Allocation in the Little River WS III Balance of Watershed: Special non-residential intensity allocation up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses to seventy percent (70%) built-upon area on a project-by-project basis, provided that the following conditions are met:

1. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed;
2. The Board of Commissioners must approve the Special Non-Residential Intensity Allocation;
3. Projects must minimize built-upon surface area and incorporate Best Management Practices to minimize water quality impacts.

IV. PLANNING ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Attachment 1: Site Plan
2. Attachment 2: Architectural Drawings for Car Wash

V. PLANNING BOARD ACTION:

The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request. All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input, per UDO Section 100.42 and 100.44.

The Planning Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Planning Board shall vote on the petition (**two motions required**). The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

LUP CONSISTENCY MOTION (1st Required Motion)

I move to:

OPTION 1

Approve the site plan and describe its consistency with the adopted Land Use Plan.

or

OPTION 2

Reject the site plan and describe its inconsistency with the adopted Land Use Plan.

or

OPTION 3

Approve the site plan and deem it a modification of the adopted Land Use Plan. The Planning Board believes this action taken is reasonable and in the public interest because.....

PETITION MOTION (2ND Required Motion)

And, therefore, I move to:

OPTION 1

Approve S-01-24 as written and presented.

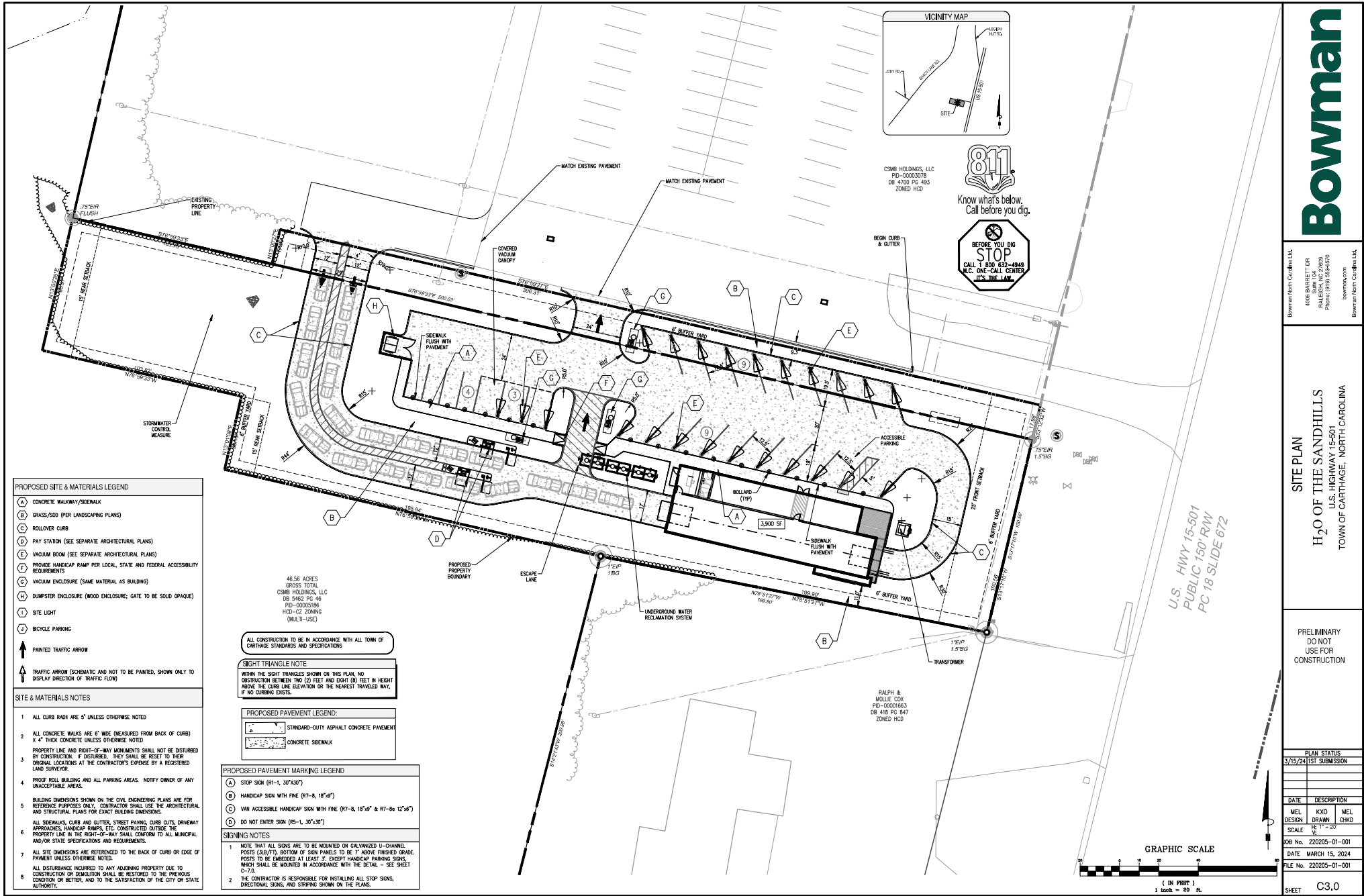
or

OPTION 2

Approve S-01-24 with the following conditions.....

OPTION 3

Deny S-01-24 for the following reasons.....



Bowman

Bowman North Carolina, Ltd.
4009 BARRETT DR
SOUTH AURORA
NORTH CAROLINA 28689
PH: 704.333.6670
bowman.com
Bowman North Carolina, Ltd.

SITE PLAN
H₂O OF THE SANDHILLS
U.S. HIGHWAY 15-501
TOWN OF CARTHAGE, NORTH CAROLINA

PRELIMINARY
DO NOT
USE FOR
CONSTRUCTION

PLAN STATUS		
3/15/24 1ST SUBMISSION		
DATE	DESCRIPTION	
MEL DESIGN	KYO DRAWN	MEL CHKD
SCALE	1" = 20'	
JOB No.	220205-01-001	
DATE	MARCH 15, 2024	
FILE No.	220205-01-001	
SHEET	C3.0	

Plot file name: V:\220205 - Revision Complete\220205-01-001 (2/6) - Cover.dwg for Wash Carriage NC\Engineering\Engineering Plans\Construction Documents\220205-01-001-01.dwg



THE **BOGLE FIRM,**
ARCHITECTURE





 The BOGLE Firm
ARCHITECTURE





 The BOGLE Firm
ARCHITECTURE





 The BOGLE Firm
ARCHITECTURE



 The BOGLE Firm
ARCHITECTURE



MEMORANDUM

Date: April 04, 2024

To: Planning Board

From: Jennifer Hunt, Town Planner

Subject: TA-01-23: Text Amendment for Short Term Rentals in the Unified Development Ordinance (UDO) as it pertains to UDO Division III “Definitions and Adoption, Section 100.70 (A) “General Definitions” and Section 100.55 “Table of Permitted and Conditional Uses” and Section 100.56A* “Special Requirements (SR) to the Table of Permitted Uses”- SR 49 “Boarding & Rooming Houses, Bed & Breakfasts, Homestays, Short Term Rentals”;
Petitioner: Town of Carthage Planning Staff

I. SUMMARY OF APPLICATION REQUEST:

The Planning Board considered an amendment to allow Short Term Rental Homestays (STR) in the Central Business District on November 02, 2023. After holding a public hearing, the Board of Commissioners (BOC) directed Manager Emily Yopp to review and refine the amendment in order to provide more protection to residential neighborhoods and to consider whether to have a resident-manager or resident-owner requirement. Mrs. Yopp directed the Planner, Jennifer Hunt, and the Town’s Attorneys to review the topic, the current state of North Carolina law governing STR and to make further recommendations to the Planning Board and Board of Commissioners. Currently, Carthage treats four or five kinds of different land uses as single land use. They are Boarding and Rooming House, Bed & Breakfasts, Homestays and Short-Term Rentals. See below for the current UDO definition for Special Requirements (SR 49) for Short Term Rentals (STR). They are currently a permitted use in the zoning districts: RA-40, R-20, R-10, RM-10 and RHD, subject to SR 49.

Current UDO Definition of SR 49 in UDO Section 100.56A.*

“Boarding & Rooming Houses, Bed & Breakfasts, Homestays, Short Term Rentals.”

- A. *The owner or authorized representative for the home must living within one mile of the operation.*
- B. *Not more than four (4) bedrooms shall be used for lodging purposes additional bedrooms may be for personal use by the homeowner or authorized representatives.*
- C. *Parking for lodgers must be available on or immediately adjacent to the property and cannot occur on front or side lawns or in town rights of way.*
- D. *The use of Recreational Vehicles or mobile homes for these purposes are limited to where such uses are allowed.*

The Town of Carthage Planning staff has revised with the help of the Town attorney to propose zoning ordinance language for Short Term Rentals. This will also refine the definitions and ordinances for Boarding & Rooming Houses, Bed & Breakfasts, Homestays and Short-Term Rentals. Each community is different and has different needs so for the Town of Carthage, the attached language has been drafted for your comments and your feedback is welcomed. Please view below for the proposed zoning language. A strikethrough represents the zoning text that needs to be removed and the underlining represents the zoning text that is to be added.

Section 100.70 (A) General Definitions:

Boarding/Rooming House:

A resident-occupied dwelling unit which provides housing for compensation to more than four unrelated individuals; is enclosed within one structure with only one kitchen and other shared common areas such as a dining room, living room or study area, and no dining facilities or kitchens in the lodgers' rooms. In no case shall tenant rooms be rented or leased for intervals of less than one month.

Bed and Breakfast:

A dwelling in which lodging for rent to the public, with or without meals, is provided for overnight guests for a fee.

Homestay:

~~Homestay (also known as Board and Rooming Houses, Bed & Breakfasts and Short-Term Rentals): A single family dwelling where up to four rooms are provided for lodging for a defined period of time. Meals may or may not be provided, but there is one common kitchen. The owner of the dwelling lives in or within (1) mile of the residence.~~

a lodging use that occurs within a private, resident occupied dwelling unit, and where up to two guest rooms are provided to transients for compensation for periods less than 30 days and where the use is subordinate and incidental to the main residential use of the building. A homestay may or may not have a separate kitchen, bathroom and/or entrance. A homestay is considered a "lodging" use under this UDO.

Short Term Rental:

Rental of any residential home unit or accessory building for a short period of time, less than 90 days.

Section 100.55 Table of Permitted and Conditional Uses:

Add "P" which means permitted, under the CBD (Central Business District) zoning district.

TABLE OF PERMITTED AND CONDITIONAL USES													
USE TYPES	RA	R	R	R	R	R	C	B	T	H	I	AP	S
P = Permitted Use	40	20	10	M	M	H	B	2	B	C			R
S = Special Use				10	H	D	D		D	D			
CZ = Conditional Zoning													
SR = Special Requirements													
AGRICULTURAL USES													
Agricultural Production (crops)	P	P	P									P	
Agricultural Production (livestock)	P												1
Animal Feeder/Breeder	P												1
Animal Services (livestock)	P												1
Animal Services (other)	P												1
Animal Shelters	S						S	S	S	S	S	S	1
Fish Hatcheries	P												1
Forestry	P											P	
Horticultural Specialties	P											P	
Veterinary Services (livestock)	P												1
Wayside Stand - Farm Produce- Produced on site	P									S*		P	
RESIDENTIAL USES													
Adult Day Care facility - 5 or less**	P	P	P	P	P	P							2
Boarding & Rooming houses - Bed & Breakfast, Homestays, Short Term Rentals-4 bdms or less	P	P	P	P		P	P						49

Section 100.56A* Special Requirements to the Table of Permitted Uses:

~~SR 49. Boarding & Rooming Houses, Bed & Breakfasts, Homestays, Short Term Rentals.~~

~~A. The owner or authorized representative for the home must live within one mile of the operation.~~

~~B. A. Not more than four (4) bedrooms shall be used for lodging purposes additional bedrooms may be for personal use by the homeowner or authorized representatives.~~

~~C. B. Parking for lodgers must be available on or immediately adjacent to the property and cannot occur on front or side lawns or in town rights of way.~~

~~D. C. The use of Recreational Vehicles or mobile homes for these purposes are limited to where such uses are allowed.~~

Boarding & Rooming Houses

SR 49. Boarding & Rooming Houses

- a) Permitted in R-MH, R-HD, CBD, B-2, TBD, HCD, I and AP District.
- b) The owner or authorized representative for the home must live within the Town of Carthage Town Limit or within 3 miles of the ETJ boundaries of the residence.
- c) Parking for lodgers must be available on or immediately adjacent to the property and cannot occur on the front or side lawns or in town rights of way.
- d) The use of Recreational Vehicles or mobile homes for these purposes are not permitted as part of a Boarding & Rooming House use.
- e) No person shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this Special Requirement and in particularly the provisions of UDO Section 100.55 and Section 100.56.
- f) A zoning compliance permit is required for every Boarding and Rooming established after the adoption date of May 1, 2024.
- g) At least one flush water closet, lavatory basin and bathtub or shower properly connected to a water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever said facilities are to be shared. All such facilities shall be located on the floor they serve within the dwelling.
- h) Water heater. Every lavatory basin and bathtub or shower shall always be supplied with hot water.
- i) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet for each occupant or according to the standards of the NC Building Code.
- j) Exits. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by all applicable building codes.
- k) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

Bed & Breakfasts

SR 50. Bed & Breakfasts

- a) Permitted in R-MH, R-HD, CBD, B-2, TBD, HCD, I and AP District.
- b) The owner or authorized representative for the home must live within Town of Carthage Town Limit or within 3 miles of the ETJ boundaries of the residence.

- c) Bed and breakfast inns shall be located a minimum of 500 feet from other bed and breakfast inns, bed and breakfast homestays, and boardinghouses. In calculating the 500-foot distance between bed and breakfast inns or homestays, measurements shall be taken from the closest property line of the existing bed and breakfast inn or homestay lot or boardinghouse lot to the closest property line of the lot of the proposed bed and breakfast inn.
- d) The owner/manager shall reside on the property.
- e) The minimum lot area for a bed and breakfast inn shall be 20,000 square feet.
- f) Accessory structures and outdoor activities. Accessory structures may be utilized for guest accommodation purposes as part of a bed and breakfast inn use. The number of guest bedrooms in the accessory structure (s) cannot exceed the number of guest bedrooms in the principal structure. Such accessory structures shall have or shall be constructed to have architectural compatibility with the principal structure.
- g) The length of the stay of the guests shall not exceed 14 days.
- h) Off-street parking shall be provided in two spaces plus one space for every guest room. Parking shall be located on the same lot on which the bed and breakfast inn is located, at the rear of the lot and screened with vegetation from adjacent properties and from the street.
- i) Signage shall be limited to a single sign, not to exceed eight square feet, with a maximum height of four feet. The sign may be located in the front yard and indirectly lit.
- j) Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- k) Comply with N.C. State Building Code requirements.
- l) No cooking facilities in quest rooms.
- m) No other home occupation than bed-and-breakfast is permitted.

Homestays

SR 51. Homestays

- a) Permitted in R-MH, R-HD, CBD, B-2, TBD, HCD, I and AP District.
- b) The owner or authorized representative for the home must live within the Town of Carthage Town Limit or within 3 miles of the ETJ boundaries of the residence.
- c) Definition HOMESTAY: a lodging use that occurs within a private, resident occupied dwelling unit, and where up to two guest rooms are provided to transients for compensation for periods less than 30 days and where the use is subordinate and incidental to the main residential use of the building. A homestay may or may not have a separate kitchen, bathroom and/or entrance. A homestay is considered a "lodging" use under this UDO.
- d) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- e) The homestay operation shall be managed and carried on by a person who is 18 years or older and a full-time resident of the dwelling unit; To be a "full time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home. For purposes of this homestay ordinance, a person can only have one primary, full-time residence, and the homestay must be operated from that primary, full time residence. In order to be "present during the homestay term," the full-time resident shall be at the property overnight and not away on vacation, visiting friends or family, travelling out of town for business or personal reasons, etc. during the homestay term. However, the full-time resident may be temporarily absent from the property for purposes related to normal residential activities such as shopping, working, attending class, etc.
- f) Applicants must definitively affirm that they live on the property from which the homestay is operated and that they have only one primary, full-time residence. A minimum of two documents establishing proof of residency shall be supplied from an approved list of documents. This does not apply to property owners acting as a co-applicant.
- g) One additional off-street parking is required for a homestay.
- h) Only one homestay shall be permitted per lot/parcel.

- i) Homestay zoning compliance permits must be obtained. A zoning compliance permit is required and to be renewed each year in January.
- j) Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- k) The homestay owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.
- l) The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- m) The homestay area of the dwelling shall comply with applicable building codes and all U.S., N.C., Moore County and Town rules and regulations.
- n) Legally established, but non-conforming properties are eligible for homestay use.

Short Term Rentals

SR 52. Short Term Rentals

- a) Applies to all zoning districts.
- b) The owner or authorized representative for the home must live within the Town of Carthage Town Limit or within 3 miles of the ETJ boundaries of the residence.
- c) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- d) No activities other than lodging shall be provided.
- e) Off-street parking shall be required at one space for each guest room plus one extra space.
- f) No signage shall be allowed for short-term rentals.
- g) Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- h) The short-term rental owner or operator shall maintain liability insurance on the property, which covers the short-term rental use and guests.
- i) The short-term rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- j) The short-term rental shall comply with all current and applicable building codes.
- k) The use provisions of this section are not subject to variance by the Board of Adjustment.
- l) Written notice shall be conspicuously posted inside each short-term lodging unit setting forth the following information: The name and telephone number of the operator, the address of the lodging, the maximum number of overnight occupants permitted, the day(s) established for garbage collection, and the non-emergency phone number of the Town of Carthage Police Department.
- m) Parties, events, classes, weddings, receptions, and large gatherings are not permitted. No events (any gathering of more people than the capacity of the home, as if to lodge) shall be held without written permission from the owner and a special event permit, if applicable.
- n) The operator shall ensure that all trash and recycling is stored in appropriate containers and set out for collection on the proper collection day and the carts removed from the street or alley on the scheduled collection day according to Town policy or ordinance.
- o) Preparation and service of food by operators for guests is prohibited. No cooking is permitted in individual bedrooms.
- p) Mandatory quiet hours are 10:00 PM to 8:00 AM daily.
- q) The owner or operator shall be available to respond to emergency calls from public safety agencies and to complaints from the Town within 48 hours.
- r) A zoning compliance permit is required for every short-term rental established after the adoption date of May 1, 2024.
- s) Existing short-term rentals are permitted to continue in operation as short-term rentals provided that they come into compliance with these Special Requirements in no more than 90 days after the adoption date May 1, 2024.

II. APPLICATION REVIEW:

A. Review Process:

Applications for ordinance text amendments are reviewed pursuant to UDO Section 100.32, Section 100.42 and Section 100.44.

B. Amendment Procedure and Review:

When reviewing an application for a text amendment, the Planning Board shall consider and be guided by Article 3. Below is highlighted Section 100.32, Section 100.42 and Section 100.44 (4) as set forth in UDO:

Sec. 100.32 Planning Board – Powers and Duties

In addition to its specific duties set forth in this and other Town Ordinances and policies, the Planning Board shall have the following powers and duties:

- 1. To make studies of the Town and surrounding areas;*
- 2. To determine objectives to be sought in the development of the Town;*
- 3. To propose and recommend plans for achieving these objectives;*
- 4. To develop and recommend to the Board of Commissions policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;*
- 5. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;*
- 6. To exercise such functions in the administration and enforcement of various means for carrying out plans as may be assigned by this article or other ordinances of the Town; and*
- 7. To perform other related duties as may be assigned by this article or other ordinances.*

Section 100.42 Types of Amendments:

Amendments may be to the text of the ordinance or take the form of map amendments, often known as rezoning. The Town of Carthage recognizes three types of amendments.

- 1. Text Amendments. This type of amendment is used when a party chooses to modify the actual text of the ordinance. This is a legislative decision by the Board of Commissioners.*
- 2. Map Amendments. This type of amendment is used when a party chooses to change a zoning district from one type to another. Often known as a straight rezoning, it recognizes that the change in district allows for all uses allowed within a given zoning district. It cannot be conditioned in any way. This is a legislative decision by the Board of Commissioners.*
- 3. Conditional Zoning. Conditional Zoning is an amendment process that is both a map amendment and a text amendment. It is a legislative decision by the Board of Commissioners, but it allows for the placement of conditions and/or limits on the approval.*

Section 100.44 (4) Planning Board

All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input. The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request.

C. Staff Comments:

All parking and signage added, if approved, will be updated in the UDO Section 100.58 (Parking) and 100.59 (Signage) accordingly. In addition to the Table of Permitted Uses, separating the different uses. Short term rentals can provide housing for travel nurses, for military personnel who may not want to sign a lease, and for family members or people who would like to vacation without using a hotel. The Town of Carthage is small with no hotels around and short-term rentals allow people to experience the Town where they may be able to obtain short term housing at a lower price, and experience a new neighborhood they may not have chosen otherwise.

III. PLANNING BOARD ACTION:

The Planning Board shall evaluate all proposals for consistency with any adopted long-range plans and adopt a statement of consistency with said plans before voting to recommend approval or denial of the request. All proposed Development Ordinance amendments must be given review by the Planning Board for a recommendation to the Board of Commissioners. They are not required to conduct a public hearing, but they are encouraged to accept public input, per UDO Section 100.42 and 100.44.

The Planning Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Planning Board shall vote on the petition (**two motions required**). The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

LUP CONSISTENCY MOTION (1st Required Motion)

I move to:

OPTION 1

Approve the text amendment and describe its consistency with the adopted Land Use Plan.

or

OPTION 2

Reject the text amendment and describe its inconsistency with the adopted Land Use Plan.

or

OPTION 3

Approve the text amendment and deem it a modification of the adopted Land Use Plan. The Planning Board believes this action taken is reasonable and in the public interest because.....

PETITION MOTION (2ND Required Motion)

And, therefore, I move to:

OPTION 1

Approve TA-01-23 as written and presented.

or

OPTION

Approve TA-01-23 with the following revisions.....

OPTION 3

Deny TA-01-23 for the following reasons.....

**TOWN OF CARTHAGE
PLANNING BOARD
STATEMENT OF LAND USE PLAN CONSISTENCY
FOR THE TEXT AMENDMENT IN SECTIONS 100.70 AND 100.55 ANNND
100.56A FOR SHORT TERM RENTALS**

WHEREAS, amendments to the Town of Carthage Unified Development Ordinance have been proposed, which amendments are identified as follows:

NOW THEREFORE, the Planning Board of the Town of Carthage resolves as follows:

Section 1. The Planning Board concludes that the above-described amendment(s) **are/are not** consistent with the Town of Carthage 2040 Land Use Plan, as amended based on the following:

Goal 1: Preserve and celebrated small-town community roots.

Goal 2: Coordinated, intentional, and well-planned growth and development.

Goal 3: Protection of open space and critical natural features.

Goal 4: Ample employment opportunities and support for business development.

Goal 5: Vibrant commercial areas that provide a variety of goods, services, entertainment options, and amenities.

Goal 6: A well-connected multi-modal transportation system.

Goal 7: High-quality parks and recreational facilities that are accessible to all.

Goal 8: Protected and preserve historic and cultural resources.

Goal 9: Adequate supply and high quality of housing.

Goal 10: Informed, engaged, and active residents that represent a variety of neighborhoods and citizen groups.

Goal 11: Regulations that are consistent with the Town’s vision.

Goal 12: Cultural, educational, recreational, and other amenities that contribute to the quality of life of Carthage’s citizens.

After holding a public hearing, the Board of Commissioners directed town staff to review and refine the amendment in order to provide more protection to residential neighborhoods and to consider whether o have a resident-manager or resident-owner requirement.

Section 2. Please state the Planning Board’s reasonings/findings for the approval or disapproval of this consistency statement based on the above selected goals.

Section 2. The Planning Board concludes that the above-described amendment(s) **are/are not** reasonable and in the public interest as they **do/do not** fulfill a direct objective of the Land Use Plan.

This statement adopted the _____ day of _____, 2024

Elizabeth Futrell, Chair

Jamie Sandoval, Clerk to the Planning Board