



Town of Carthage

Board of Commissioners

Regular Meeting

April 15, 2024 at 6:30 p.m.

McDonald Building
207 McReynolds Street
Carthage, NC 28327

AGENDA

CALL TO ORDER

INVOCATION – Mayor Jimmy Chalfinch

PLEDGE OF ALLEGIANCE – Commissioner Brent Tanner

APPROVAL OF AGENDA

Members of the board may remove, add, or rearrange items on the agenda prior to commencing the meeting. Motions/votes are not required to approve the agenda but there must be unanimous consent before proceeding.

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 Board of Commissioners to remove an item from the consent agenda and place it on the regular agenda.

PUBLIC COMMENT SESSION

Members of the public may use this time to address the Board of Commissioners with any presentations, questions, or concerns. Please fill out the sign-up sheet in the building's entryway to be recognized during the public comment session. All public comments 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 made outside of this public comment session or a public hearing unless otherwise permitted by the Board of Commissioners. To request to speak outside of the public comment session or public hearing please raise your hand and wait to be recognized by the presiding officer. The mayor or presiding officer may place time limits on speakers prior to the start of the public comment session.

REPORTS

Manager's Report (Emily Yopp, (pg. 1-2)

Departmental Reports (pg. 3-10)

SPECIAL SPEAKER

- a. Presentation by Charlotte King, a Member of the Moore County 4-H Club, on Bringing Attention to Native Plants at Nancy Kiser Park.

NEW BUSINESS

- a. Preliminary Request to Donate Land to Serve as a Town Park by Dr. Peter Little (Jennifer Hunt, pg. 11-12)
- b. Appoint Volunteers to the Historic Preservation Commission (Emily Yopp, pg. 13)
- c. Site Plan Review for H2O of the Sandhills Car Wash, (Jennifer Hunt, pg. 14-27)
- d. Resolution to Call a Joint Public Hearing of the Board of Commissioners and Planning Board for the Adoption of the Downtown Revitalization and Parking Corridor Study Plan (Jennifer Hunt, pg. 28-29)
- e. Resolution to Call a Public Hearing to Rezone 209 Dowd Street from CBD to R-10 Zoning (Jennifer Hunt, pg. 30-31)
- f. Resolution to Call a Public Hearing to Rezone 218 Westview Road from R-20 to HCD-CZ (Jennifer Hunt, pg. 32-33)
- g. Resolution to Accept a \$200,000 Infrastructure Grant (Emily Yopp, pg. 34-35)
- h. Review of FY 24-25 Budget Priorities (Emily Yopp, pg. 36)
- i. Review and Discussion of Chapter 97 Pertaining to Mural Regulations, (Jamie Sandoval, pg. 37-39)
- j. Review of Non-Conforming Signs Inventory and Communications (Jamie Sandoval, pg. 39-44)
- k. Amended Audit Contract (Kesha Matthews, pg. 45-47)
- l. Establish Capital Project Ordinance (Kesha Matthews, 48-49)

PUBLIC HEARINGS

- a. **Public Hearing** – Text Amendment to Sections 100.70A, 100.55 and 100.56A pertaining to Short Term Rentals (STRs), (Jennifer Hunt, pg. 50-67)
- b. **Public Hearing** -- 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 on behalf of owner, Clayton Speer, (Jennifer Hunt, pg. 68-75)

CLOSED SESSION

As allowed by NC General Statute § 143-318.11(a)(3) to consult with an attorney to protect the attorney-client privilege.

FINAL COMMENTS

The Board of Commissioners may take this opportunity to provide feedback, comments, commendations, and/or just general thoughts regarding various topics, issues, and ideas.

ADJOURNMENT



MANAGER'S REPORT

Date: April 15, 2024
To: The Board of Commissioners
From: Emily D. Yopp, Town Manager

1. Sluss Tiller Summary

We have just finished Round 1 of the 2024 US Army, Civil Affairs, Sluss-Tiller training program. The scenario for this round was creating resiliency using alternative energy sources, specifically solar power. The students worked with town staff and employees of Duke Energy to research and devise potential solutions that the Town of Carthage could pursue. As always, it is a joy to work with these students and introduce them to local government and present the problem set, whether real or devised, for them to test their knowledge and skills on. Dates for Round 2 of Sluss-Tiller have yet to be announced but we are looking forward to it.

2. Carthage Elementary School Discussions

Discussion continues with Moore County Schools on potential options for the renovation or replacement of Carthage Elementary School. Mayor Chalflinch and I will be participating in a steering committee where we will tour the school and then discuss next steps for the school. I will keep the Board informed of these discussions as we progress.

3. Nancy Kiser Park Stream Project

The stream project at Nancy Kiser is underway and is estimated to take 1-2 weeks to complete, weather permitted. The contractor, North State, will be re-working the stream bed to permanently delete the impoundment of water and instead make this area a usable grassy section. The stream itself will be reconfigured in such a way that it can flow more easily out of the area. A section of the asphalt trail along the stream will be removed to allow for the repair of erosion caused by the stream. Staff intends to revisit the construction of a trail there in the future as part of the development of a master parks plan that would include Nancy Kiser Park.

4. Website Almost Ready

Kim Gibson and I have been working steadily on building out pages for the new website. Our go live date is April 16th and it will likely take most of the day to bring the site online and check for bugs and glitches. We look forward to our community experiencing the new website and listening to their feedback.

5. Pay Study Begins

The MAPS Group will begin the pay study on April 17th and town staff are currently completing job description questionnaires ahead of the kickoff meeting. We look forward to understanding more about changes to personnel pay in the years after the pandemic and ensuring that our fantastic staff are compensated fairly for all that they do for our community.

6. Purchase of 208 Monroe Street

A new closing date of Friday, April 19th has been set for the Town to close on 208 Monroe Street. Once we have closed on the property, we will begin developing a Request for Bids and start the process of finding a contractor to conduct the work necessary to turn this beautiful property into Town Hall.

Respectfully submitted,
Emily Yopp, Town Manager

TOWN OF CARTHAGE CASH POSITION

FUND		<u>MARCH 2024</u>	<u>FEBRUARY 2024</u>	<u>JANUARY 2024</u>
#10	Cash on Hand			
	Petty Cash	\$300.00	\$300.00	\$300.00
	Crime Investigation	\$200.00	\$200.00	\$200.00
#10	General Fund			
	Central Depository (.05% Yield)	\$1,758,919.76	\$1,216,213.06	\$1,323,812.72
	CD Mature 03/20/2024 (0.02% Yield)	\$25,426.92	\$25,426.92	\$25,426.92
	NC Capital Trust (5.23% Yield)	\$930,919.16	\$926,796.70	\$922,957.19
#10	Firemens' Fraternal			
	Central Depository (.05% Yield)	\$14,368.00	\$16,368.00	\$16,368.00
#10	McConnell Marker			
	Central Depository (.05% Yield)	\$200.00	\$200.00	\$200.00
#10	Restricted Performance Bond			
	Central Depository (.05% Yield)	\$23,632.00	\$23,632.00	\$23,632.00
#10	Carriage Hills Surety			
	Central Depository (.05% Yield)	\$180,454.25	\$180,454.25	\$187,954.24
#10	Carriage Place Townhomes Surety			
	Central Depository (.05% Yield)	\$35,000.00	\$35,000.00	\$120,775.00
#10	Historical			
	Central Depository (.05% Yield)	\$1,685.14	\$1,685.14	\$1,685.14
#15	Powell Bill Fund			
	Central Depository (.05% Yield)	\$74,067.62	\$25,412.12	\$26,784.21
	NC Capital Trust (5.23% Yield)	\$92,309.28	\$91,900.50	\$91,519.78

		<u>MARCH 2024</u>	<u>FEBRUARY 2024</u>	<u>JANUARY 2024</u>
#30	Water	Central Depository (.05% Yield)	\$430,941.09	\$386,702.76
		CD Mature 03/20/2024 (.02% Yield)	\$17,293.73	\$17,293.73
		NC Capital Trust (5.23% Yield)	\$335,066.59	\$332,200.83
#31	Sewer	Central Depository (.05% Yield)	\$1,530,273.17	\$1,079,921.11
		CD Mature 03/20/2024 (.20% Yield)	\$17,293.72	\$17,293.72
		NC Capital Trust (5.23% Yield)	\$96,201.64	\$95,378.84
#35	Capital Reserve Water & Sewer Improvements	Central Depository (.05% Yield)	\$508,992.09	\$508,992.09
#70	Cemetery	Central Depository (.05% Yield)	\$0.00	\$0.00
		NC Capital Trust (5.23% Yield)	\$28,920.39	\$28,673.04
	TOTALS	\$6,102,464.55	\$5,003,282.27	\$5,208,071.32

Carthage Police Department | Warrants: 13 Results | 2024-03-01 - 2024-03-31

Incident	Warrant Type	Arrest Date	U C R N I B R S Offenses	Race	Gender	Obtained Location (F I P S)	Offense Date/Time
I20240330-11	Misdemeanor Warrant	2024-03-30T17:40:00.000Z	90Z - All Other Offenses	W - White	M - Male	125 - Moore	2024-03-27 00:00
I20240329-07	Felony Warrant	2024-03-29T15:26:00.000Z	90Z - All Other Offenses	W - White	F - Female	105 - Lee	2024-03-19 00:00
I20240329-01	Misdemeanor Warrant	2024-03-29T02:35:00.000Z	13B - Simple Assault	W - White	M - Male	125 - Moore	2024-03-28 00:00
I20240328-01	Misdemeanor Warrant	2024-03-28T03:38:00.000Z	90Z - All Other Offenses	B - Black or African American	F - Female	125 - Moore	2024-03-22 00:00
I20240328-01	Misdemeanor Warrant	2024-03-28T03:38:00.000Z	90Z - All Other Offenses	B - Black or African American	F - Female	125 - Moore	2024-03-22 00:00
I20240321-11	Citation Issued	2024-03-21T15:05:00.000Z	35E - Drug Equipment Violations	W - White	M - Male	125 - Moore	2024-03-21 12:16
I20240324-04	Misdemeanor Warrant	2024-03-25T20:40:00.000Z	90Z - All Other Offenses	B - Black or African American	M - Male	125 - Moore	2024-03-21 00:00
I20240324-02	Summons	2024-03-24T15:26:00.000Z	90Z - All Other Offenses	W - White	F - Female	125 - Moore	2024-03-19 00:00
I20240321-19	Citation Issued	2024-03-22T02:03:00.000Z	35E - Drug Equipment Violations	W - White	M - Male	125 - Moore	2024-03-21 21:46
I20240320-12	Capias Warrant	2024-03-20T23:45:00.000Z	90Z - All Other Offenses	W - White	F - Female	125 - Moore	2023-05-17 00:00
I20240311-16	Misdemeanor Warrant	2024-03-11T16:37:00.000Z	90Z - All Other Offenses	B - Black or African American	F - Female	125 - Moore	2024-03-05 00:00
I20240303-01	Misdemeanor Warrant	2024-03-03T09:43:00.000Z	90Z - All Other Offenses	B - Black or African American	M - Male	125 - Moore	2024-03-03 04:05
I20240302-01	Misdemeanor Warrant	2024-03-02T06:45:00.000Z	90U - Driving Under the Influence	W - White	M - Male	125 - Moore	2024-03-02 00:58

Carthage Police Department | Incident (NC)s: 39 Results | 2024-03-01 - 2024-03-31

Incident Number	Reference #	Primary Offense
I20240331-29	24-001622	520 - Weapon Law Violations
I20240330-11	24-001598	90Z - All Other Offenses : Warrant Service
I20240330-09	24-001599	90Z - All Other Offenses : Damage to Property
I20240329-11	24-001589	13B - Simple Assault
I20240329-07	24-001586	90Z - All Other Offenses : Warrant Service
I20240329-03	24-001582	90Z - All Other Offenses : Obtaining Information
I20240329-01	24-001572	90Z - All Other Offenses : Release Order Violation
I20240328-13	24-001559	26E - Wire Fraud : Wire Fraud
I20240328-01	24-001552	90Z - All Other Offenses : Warrant Service
I20240327-22	24-001548	90Z - All Other Offenses : Communicating Threats
I20240326-04	24-001512	90Z - All Other Offenses : Warrant Service
I20240325-02	24-001500	90Z - All Other Offenses : Emergency Commitment
I20240324-02	24-001489	90Z - All Other Offenses : Warrant Service
I20240323-05	24-001476	90Z-54 - Lost Or Stolen Item : Lost Wallet
I20240322-01	24-001446	90Z - All Other Offenses : Warrant Service
I20240321-19	24-001444	35B - Drug Equipment Violations
I20240321-11	24-001438	35B - Drug Equipment Violations
I20240320-12	24-001426	90Z - All Other Offenses : Warrant Service
I20240319-08	24-001410	90Z - All Other Offenses : Warrant Service
I20240317-09	24-001365	90Z - All Other Offenses : Ordinance violation
I20240317-01	24-001359	220 - Burglary/Breaking & Entering
I20240316-03	24-001353	90Z-24 - Trespassing : Suspect was trespassed from the property
I20240315-18	24-001333	90Z - All Other Offenses : Warrant Service
I20240315-12	24-001330	90Z - All Other Offenses : Warrant Service
I20240314-08	24-001315	90Z - All Other Offenses : Info Only

Carthage Police Department | Citation / Warning (NC)s: 192 Results |

Citation/Warning Type	Citation Date/Time	Agency Case Number	Race	Gender
Written Warning	2024-03-30 20:21	24-001605	W - White	M - Male
Written Warning	2024-03-31 03:34	24-001613	W - White	M - Male
Written Warning	2024-03-26 12:13	24-001526	W - White	F - Female
Citation	2024-03-26 14:07	24-001530	W - White	M - Male
Citation	2024-03-29 12:09		W - White	F - Female
Written Warning	2024-03-26 12:16	24-001516	W - White	M - Male
Written Warning	2024-03-26 04:18	24-001521	W - White	F - Female
Written Warning	2024-03-26 01:27	24-001519	B - Black or African American	M - Male
Citation	2024-03-21 21:46		W - White	M - Male
Written Warning	2024-03-21 12:16	24-001438	W - White	M - Male
Written Warning	2024-03-20 17:13	24-001423	W - White	F - Female
Written Warning	2024-03-20 19:17	24-001405	W - White	F - Female
Written Warning	2024-03-19 08:03	24-001396	B - Black or African American	M - Male
Citation	2024-03-17 08:20	24-001361	W - White	M - Male
Written Warning	2024-03-17 08:20	24-001361	W - White	M - Male
Written Warning	2024-03-14 07:44	24-001312	W - White	M - Male
Written Warning	2024-03-15 09:28	24-001330	B - Black or African American	M - Male
Citation	2024-03-09 12:21	24-001220	B - Black or African American	M - Male
Citation	2024-03-08 09:42	24-001196		F - Female
Citation	2024-03-12 21:00	24-001281	W - White	M - Male
Citation	2024-03-13 21:00	24-001281	W - White	M - Male
Written Warning	2024-03-11 11:06	24-001257	W - White	M - Male
Written Warning	2024-03-06 11:47	24-001154	W - White	M - Male
Written Warning	2024-03-09 01:57	24-001213	W - White	F - Female
Written Warning	2024-03-08 06:35	24-001191	W - White	F - Female

Carthage Fire Department

Carthage, NC

This report was generated on 4/3/2024 12:35:12 PM



Incident Statistics

Zone(s): All Zones | Start Date: 03/01/2024 | End Date: 03/31/2024

INCIDENT COUNT			
INCIDENT TYPE		# INCIDENTS	
EMS		49	
FIRE		55	
TOTAL		104	
TOTAL TRANSPORTS (N2 and N3)			
APPARATUS	# of APPARATUS TRANSPORTS	# of PATIENT TRANSPORTS	TOTAL # of PATIENT CONTACTS
TOTAL			
PRE-INCIDENT VALUE		LOSSES	
\$0.00		\$0.00	
CO CHECKS			
TOTAL			
MUTUAL AID			
Aid Type		Total	
Aid Given		16	
Aid Received		3	
OVERLAPPING CALLS			
# OVERLAPPING		% OVERLAPPING	
22		21.15	
LIGHTS AND SIREN - AVERAGE RESPONSE TIME (Dispatch to Arrival)			
Station	EMS	FIRE	
Carthage Fire & Rescue	0:06:28	0:10:02	
AVERAGE FOR ALL CALLS		0:07:39	
LIGHTS AND SIREN - AVERAGE TURNOUT TIME (Dispatch to Enroute)			
Station	EMS	FIRE	
Carthage Fire & Rescue	0:02:17	0:02:51	
AVERAGE FOR ALL CALLS		0:02:16	
AGENCY		AVERAGE TIME ON SCENE (MM:SS)	
Carthage Fire Department		29:16	

Only Reviewed Incidents included. EMS for Incident counts includes only 300 to 399 Incident Types. All other incident types are counted as FIRE. CO Checks only includes Incident Types: 424, 736 and 734. # Apparatus Transports = # of incidents where apparatus transported. # Patient Transports = All patients transported by EMS. # Patient Contacts = # of PCR contacted by apparatus. This report now returns both NEMSIS 2 & 3 data as appropriate. For overlapping calls that span over multiple days, total per month will not equal Total count for year.



March 2024 Code Enforcement Report

Open Cases/Cases in Progress:

1. 202 W. Barrett Street
 - Minimum Housing – Town abating the property. Posted for eviction of tenant. Legal team is acquiring all files to transfer ownership to the Town of Carthage. Internal discussions with what need to be done to property to be brought to code.
2. 16 Courthouse Square
 - Truck Trailer – Town abating the property. Legal council is placing lean on property in order to abate the truck trailers from building at 16 Courthouse Square.
3. Kester Road Junk Vehicles / Junk Yard
 - Junk Vehicles / Junk Yard – Staff could not identify who the owner of the junk vehicles within 2023. Early 2024, the owner was identified and received a phone call with the Town Manager regarding the status of the junk yard. Owner claims that the junk yard is still within operation. Staff identified what regulations need to be followed and scheduled a meeting with the owner to go over the regulations.
4. 136 Union Church Road
 - Minimum Housing – Meeting with ALL owners of the property is being scheduled to determine a timeline for abating the property.
5. 518 Martin Street
 - Minimum Housing – Property owner is selling the property and waiting for new owners to either demolish the property or renovate the property.
6. 106 Sanford Street

- Tractor Trailer used as storage / Unpermitted Structures – Owner was sent a Notice of Violation letter. Owner came in to speak with Code Enforcement Officer and was given a permit application on February 14th. No update in March.

7. 218 Westview Road

- Unpermitted Business / Incorrect Zoning – The owner was sent a notice of violation in regard to their automotive business not being in the correct zone. The owner has had several meetings with code enforcement and the planning department to find alternatives to allow businesses to remain. The Town Planner found that if the property in which the garage is located on is subdivided and rezoned to HCD and an easement through the neighboring property off of 15-501 is given, the business can remain. Owner is now in the subdividing phase of the project.

8. 608 E Saunders Street

- Junk Storage – Notice of Violation was sent to owner. Communication with owner on February 20th and permit submitted to build a garage to store belongings in.

Cases Closed:

1. 609 Park Street – Unpermitted Sign



MEMORANDUM

Date: April 15, 2024
To: The Board of Commissioners
From: Jennifer Hunt, Town Planner
Subject: Dr. Peter Little would like to donate approximately 10 acres of land for a Carthage Park

I. SUMMARY OF APPLICATION REQUEST:

Dr. Peter Little, owner of parcel 00001581 and parcel 00001582, approximately 30 acres, would like to donate 10 acres of this land to the Town of Carthage for a forever park with a walking and running trail, a small park with swings, and a bathroom. His parcel 00001582, which appears to be almost .5 acres, would be used for parking and approximately 9.5 acres from parcel 00001581 would be used for the rest of the park, for people to simply enjoy the natural setting. Please view Attachment 1 for the diagram, colored in green, of the area he is looking to donate.

At the direction of our Town Attorney the Board of Commissioners will need to decide if the Board has interest in taking on this land for park use. If the BOC decides that they would like the dedicated land, then the next step would be to have a land survey for the portion to be deeded out and negotiate who is responsible for which costs, the land survey, and the drafted deed.

In addition, Dr. Little requested to name the park "Little Forest Ridge" and have fencing separating the public park from the surrounding parcels, which is private property. Dr. Little wants to dedicate this land for public use and does not want development to ever occur here. Per the direction of our Town Attorney this would be written in the deed, either by our attorney or his. Dr. Little does not want this land to ever be developed but for community enjoyment of the natural environment to time indefinite. If the Town is unable to commit to this requirement, that would be a deal breaker for him. Dr. Little will also present his desire to dedicate this land to the Town of Carthage tonight at this meeting.

II. PETITION MOTION

And, therefore, I move to approve to postpone:

OPTION 1

Approve to accept the donated land to be used for a forever park.

OPTION 2

Deny accepting the donated land to be used for a forever park.

$$\frac{30.3 \text{ acres}}{\approx 9.4 \text{ acres}} = 20.9 \text{ acres remaining}$$

Parcel: 00001581
 Total: 30.3 acres

Parcel: 00001582
 Total: 0 acres (for parking)
 approx. 1/2 acre

Approximately \approx 9.4 acres



Name:

"Little Forest Ridge"

\approx 9.44 acres

① = 10 ft. (pedestrian 2 lane walkway - 10 ft. each)
 ② = 20 ft. buffer



MEMORANDUM

Date: April 15, 2024
To: The Board of Commissioners
From: Emily D. Yopp, Town Manager
Subject: Historic Preservation Commission Volunteer Appointments

The Board conducted interviews of interested volunteers who submitted applications to participate in the Historic Preservation Commission on April 10th. Based on those interviews, the Board should appoint either 5 or 7 members to serve on the HPC.

Volunteer Applicants:

1. Jill Lumgair
2. Alyssa Kennedy
3. Ariel Matthews
4. Janet Gurley Gardner
5. Ashley Coates
6. Lisa Schickedance
7. Greg Pilson

For a 5-member board:

- 1 member = 1 year term
- 2 members = 2-year terms
- 2 members = 3-year terms

For a 7-member board:

- All members may be appointed to 4-year terms.

Alternate Member: If the Board chooses to appoint an alternate member to serve in place of a member who may be absent from a meeting this member shall be appointed to a 4-year term.

SUGGESTED MOTION(S)

Motion #1:

I move to appoint the following individuals to serve on the Carthage Historic Preservation Commission...



MEMORANDUM

Date: April 15, 2024

To: The Board of Commissioners

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.

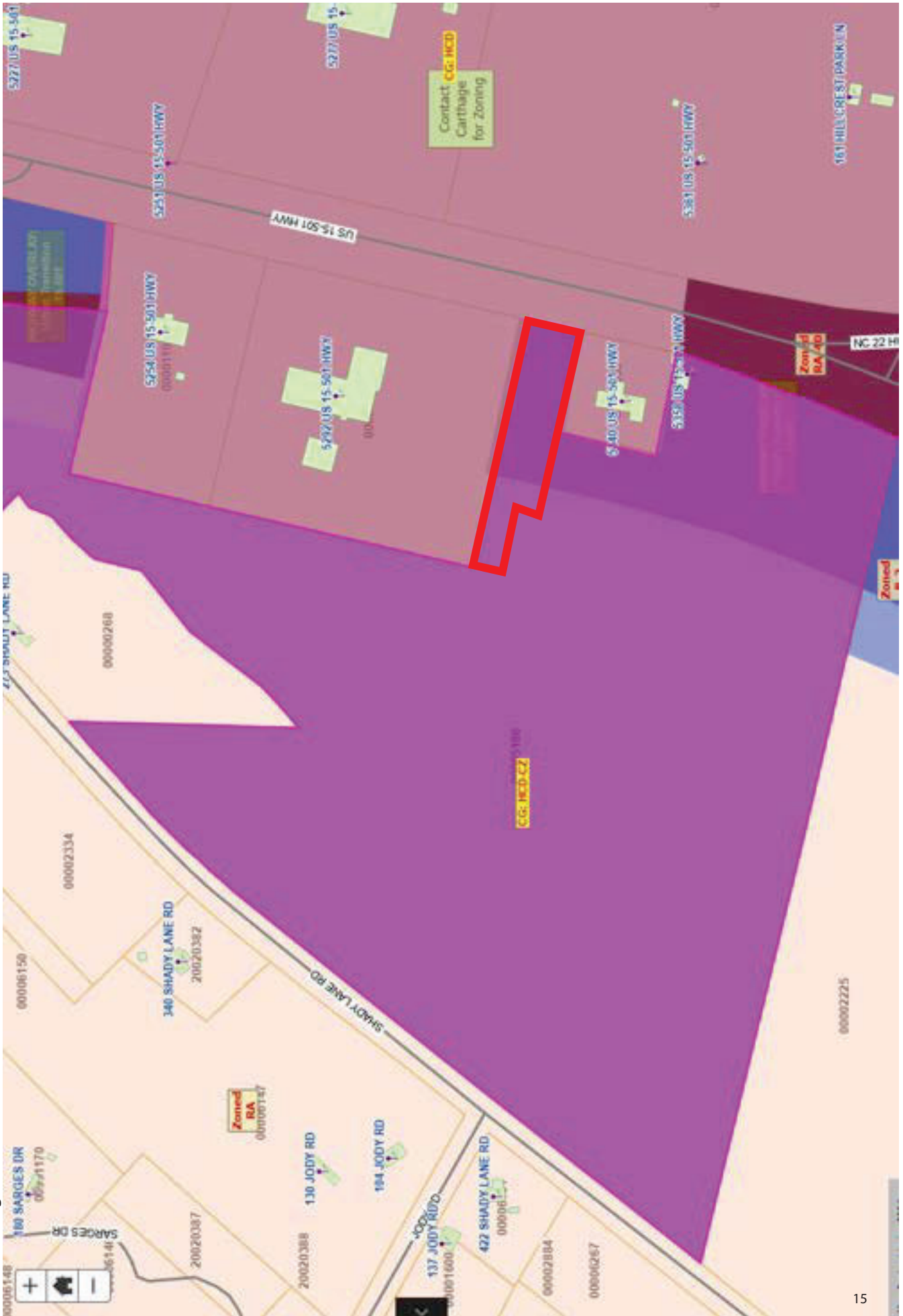
The current zoning of this parcel is HCD-CZ (Highway Commercial District- Conditional Zoning) and the commercial uses according to Ordinance 22.18 shall coincide with the B2 zoning district. A car wash is a permitted use in the B2 zoning district. It is subject to Special Requirements 23 which says in 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 Unified Development Ordinance (UDO) Section 100.24 "Board of Commissioners" and UDO Section 100.64 (D) "Site-Specific Vesting Plan."

Sec. 100.24 Board of Commissioners

Without limiting any authority granted to the Board of Commissioners by General Statutes or by other Ordinances of the Town, the Board of Commissioners shall have the following powers and duties with respect to this Ordinance:

- 1. To adopt, amend or repeal this Ordinance;*
- 2. To adopt amendments to the Official Zoning Map;*
- 3. To adopt design guidelines for the Historic Preservation Overlay Districts;*
- 4. To approve or deny requests for approval of major preliminary and final subdivision plats, Special Use Permits, Conditional Zoning, Vested Rights, and major site plans;*
- 5. To perform the powers and duties of a Board of Adjustment; and,*
- 6. Such additional powers and duties as may be set forth in this Ordinance.*

Sec. 100.64 Site-Specific Vesting Plan (D)

D. The Administrator shall place the Site Plan on the next regularly scheduled meeting of the Board of Commissioners occurring at least ten (10) days after the Planning Board's recommendation.

The Board of Commissioners shall review the Site Plan and either approve, approve with conditions, reject the site plan, or refer the plan back to the Planning Board for further consideration. If the Board of Commissioners rejects a site plan, then the reasons therefore shall be stated in the record of action on the plan.

The Board of Commissioners may approve a site plan only if it meets the standards and requirements set forth in this Ordinance and provides adequate public facilities and improvements as provided for herein.

The subdivision standards contained in Sec. 100.65 shall serve as the basic standards for site plan development along with the specific standards set forth in the Special Requirement for the use or uses.

C. Staff Comments:

The Planning Board recommended to approve this site plan. This proposed use meets the UDO requirements, except they will need a special intensity allocation to allow them to build over 24% impervious surface area up to 70% since they are in Watershed III. Their proposed impervious surface is 51.28% of the total project area of 1.286 acres.

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) 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. ATTACHMENTS PROVIDED BY THE APPLICANT:

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

SUGGESTED MOTION(S) ON NEXT PAGE

V. BOARD OF COMMISSIONERS ACTION:

The Board of Commissioners (BOC) shall review the Site Plan and either approve, approve with conditions, reject the site plan, or refer the plan back to the Planning Board for further consideration. If the Board of Commissioners rejects a site plan, then the reasons therefore, shall be stated in the record of action on the plan per UDO Section 100.64 (D) of the Town of Carthage Unified Development Ordinance (UDO).

OPTION 1

Approve Site Plan (S-01-24) as written and presented.

or

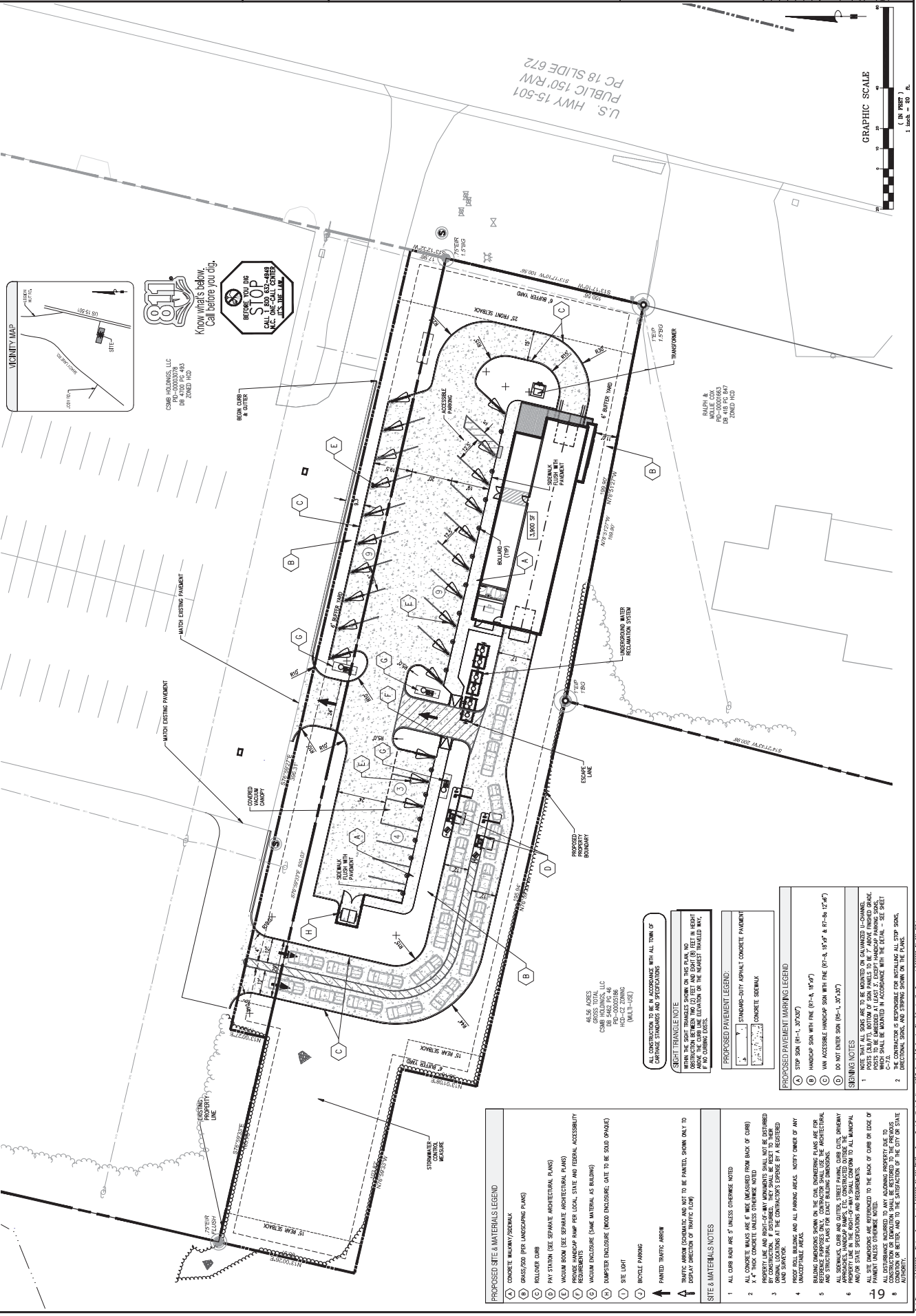
OPTION 2

Approve Site Plan (S-01-24) *with the following conditions.....*

OPTION 3

Reject Site Plan (S-01-24) *for the following reasons.....*

PLAN STATUS	DATE	DESCRIPTION
3/15/24 LIST SUBMISSION		
MEL	KVO	MEL
DESIGN	DRAMA	CHMO
SCALE	1"=20'	
JOB No.	2202005-01-001	
DATE	MARCH 15, 2024	
FILE No.	2202005-01-001	



Know what's below.
Call before you dig.

STOP
CALL BEFORE YOU DIG
1-800-4-A-DIG

CS&S HOLDINGS, LLC
P.O. BOX 100378
DENVER, CO 80210
PH: 303-733-8888

CS&S USES
CS&S HOLDINGS, LLC
P.O. BOX 100378
DENVER, CO 80210
PH: 303-733-8888
HIGHLY RECOMMENDED
(NACHI-152)

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL TOWN OF CARTHAGE STANDARDS AND SPECIFICATIONS.

GENERAL TRIANGLE NOTE
WITH THE SPOT DIMENSIONS SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN TWO (2) FEET AND DASH (D) FEET IN HEIGHT OR BETWEEN TWO (2) FEET AND DASH (D) FEET IN WIDTH IS TO BE TOLERATED UNLESS OTHERWISE NOTED ON THE PLANS.

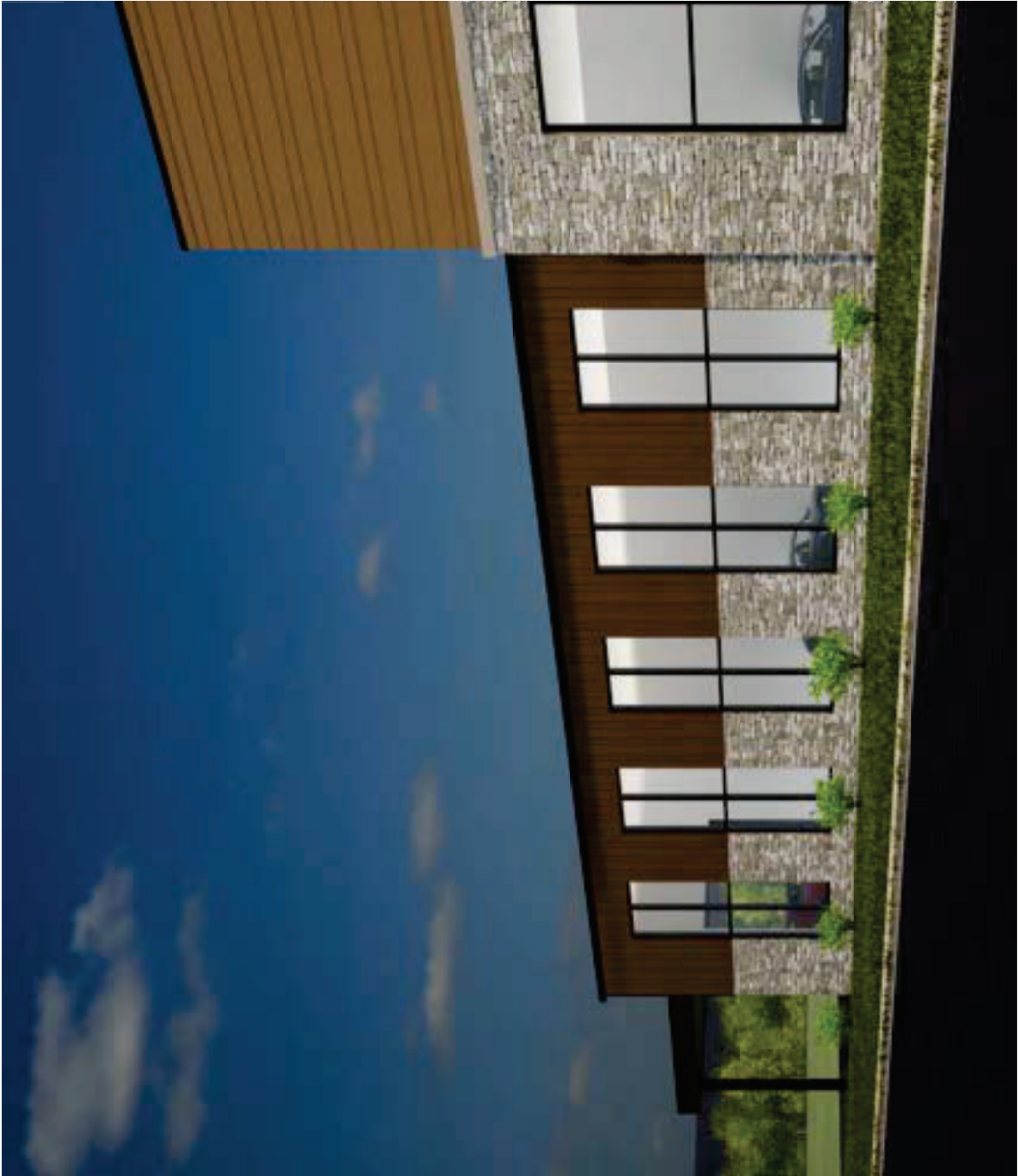
PROPOSED PAVEMENT LEGEND:
STANDARD-DUTY ASPHALT CONCRETE PAVEMENT
CONCRETE SIDEWALK

PROPOSED PAVEMENT MARKING LEGEND:
STOP SIGN (8'-11", 30"X30")
HANDICAP SIGN WITH FINE (8'-4", 18"X9")
VAN ACCESSIBLE HANDICAP SIGN WITH FINE (8'-4", 18"X9" & 8'-6", 12"X8")
DO NOT ENTER SIGN (8'-11", 30"X30")

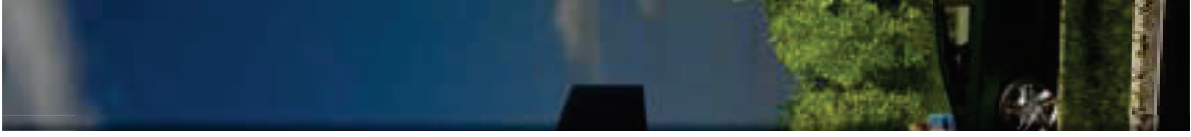
REMARKS:
1. MATCH DATE ALL SIGNS ARE TO BE INSTALLED ON CALUMNER L-CHANNEL POSTS (3/8"x7/8") BOTTOM OF SIGN PANELS TO BE 7' ABOVE FINISHED GRADE. SEE SHEET C-2.1 FOR SIGN SPECIFICATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR INSTALLING ALL STOP SIGNS, DIRECTIONAL SIGNS, AND STRIPING SHOWN ON THE PLANS.

- PROPOSED SITE & MATERIALS LEGEND**
- (A) CONCRETE SIDEWALK/SIDEWALK
 - (B) GRASS/200 PPH LANDSCAPING PLANS
 - (C) ROLLER CURB
 - (D) PAY STATION (SEE SEPARATE ARCHITECTURAL PLANS)
 - (E) VACUUM BOOM (SEE SEPARATE ARCHITECTURAL PLANS)
 - (F) PROPOSED HANDICAP RAMP PER LOCAL, STATE AND FEDERAL ACCESSIBILITY REQUIREMENTS
 - (G) VACUUM ENCLOSURE (SAME MATERIAL AS BUILDING)
 - (H) DUMPSTER ENCLOSURE (WOOD ENCLOSURE GATE TO BE SOLD (PHASE))
 - (I) SITE LIGHT
 - (J) BICYCLE PARKING
 - (K) PAINTED TRAFFIC ARROW
 - (L) TRAFFIC ARROW COORDINATE AND NOT TO BE PAINTED, SHOWN ONLY TO DISPLAY DIRECTION OF TRAFFIC FLOW
- SITE & MATERIALS NOTES**
1. ALL CURB SIGN ARE 4" UNLESS OTHERWISE NOTED.
 2. ALL CONCRETE WALLS ARE 6" WIDE (MEASURED FROM BACK OF CURB).
 3. 4" THICK CONCRETE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS UNLESS OTHERWISE NOTED SHALL BE PERFORMED BY CONTRACTOR. IF DIMENSIONS ARE NOT SHOWN, THEY SHALL BE RESET TO THEIR ORIGINAL DIMENSIONS AT THE CONTRACTOR'S EXPENSE BY A REGISTERED LAND SURVEYOR.
 5. PROOF BELL BUILDING AND ALL PARKING AREAS. NOTIFY OWNER OF ANY UNACCEPTABLE AREAS.
 6. BUILDING DIMENSIONS SHOWN ON THE CIVIL DRAWINGS ARE FOR APPROXIMATE DIMENSIONS ONLY. ALL DIMENSIONS SHALL BE PERFORMED BY CONTRACTOR. ALL DIMENSIONS SHALL BE PERFORMED BY CONTRACTOR. ALL DIMENSIONS SHALL BE PERFORMED BY CONTRACTOR. ALL DIMENSIONS SHALL BE PERFORMED BY CONTRACTOR. ALL DIMENSIONS SHALL BE PERFORMED BY CONTRACTOR.
 7. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 8. CONSTRUCTION OF UTILITIES SHALL BE RESTORED TO THE PREVIOUS CONDITION AS BEING, AND TO THE SATISFACTION OF THE CITY OR STATE AUTHORITY.

City of Carthage 1/1/2023 - Revision: 02/2024-01-01 (002) - Copyright for this plan. Carthage, NC. All rights reserved. Bowman 1/1/2023-01-01-001



THE BOGLE FIRM,
ARCHITECTURE

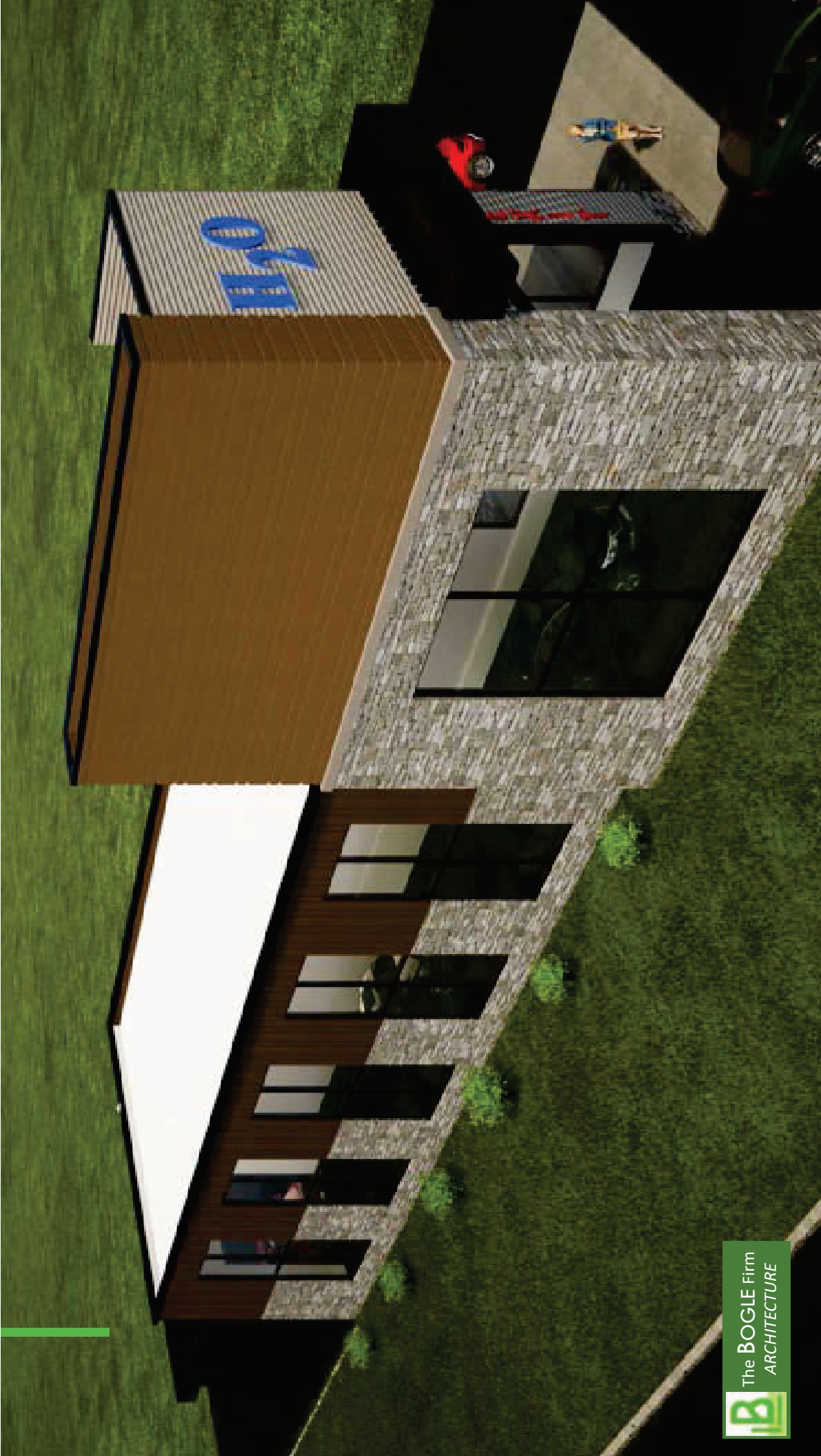


















MEMORANDUM

Date: April 15, 2024
To: The Board of Commissioners
From: Jennifer Hunt, Town Planner
Subject: Joint Meeting to present the findings for the Downtown Revitalization Plan and the Parking Corridor Study; Petitioner: Town of Carthage Planning Staff

I. SUMMARY OF APPLICATION REQUEST:

Koontz Jones Design, the consultant working on the Downtown Revitalization Plan, and Kimley Horn, the consultant working on the Parking Corridor Study, would like to do a joint presentation for the Planning Board and the Board of Commissioners on May 20, 2024. This is to present their findings and present the data which includes feedback from two community input meetings on their studies. These projects began in July 2023, with two community input meetings, one in November 2023 and March 2024. If the studies are approved, then the Board would move to adopt the plans for each of the studies. A vote will be taken first by Planning Board and then by the Board of Commissioners at the joint meeting.

II. PETITION MOTION

And, therefore, I move to approve to postpone:

OPTION 1

Approve to call the public hearing the joint presentation meeting at the Board of Commissioners meeting on May 20, 2024.

or

OPTION 2

Deny to call the public hearing for the joint presentation meeting for the Board of Commissioners meeting on May 20, 2024 for the following reasons....



Town of Carthage

Resolution

Call for a Public Hearing for the Downtown Revitalization Plan and Parking Corridor Study results; Petitioner: Town of Carthage

WHEREAS, the Town of Carthage has been working with two consultants, one Koontz Jones Design for the Downtown Revitalization Plan and Kimley Horn for the Parking Corridor Study, and they would like to present their findings at a joint public meeting; and

WHEREAS, the project consists the Downtown Carthage area; and

WHEREAS, if the plans are approved then they will be adopted; then

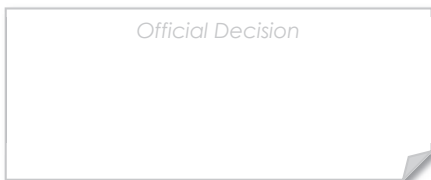
NOW, THEREFORE, BE IT RESOLVED, that the Town of Carthage Board of Commissioners adopt this resolution and call for a public hearing to be held on May 20, 2024, at 6:30 p.m. inside the McDonald Building located at 207 McReynolds Street and that the Town Clerk make all public notices as required.

ADOPTED this 15th day of April 2024.

Ayes: _____

Noes: _____

Absent or Excused: _____



Jimmy Chalflinch, Mayor

ATTEST:

Kimberly Gibson, Town Clerk



MEMORANDUM

Date: April 15, 2024
To: The Board of Commissioners
From: Jennifer Hunt, Town Planner
Subject: R-02-24: Request to call Public Hearing for the Rezoning request from CBD (Central Business District) to R-10 (Residential) for 209 Dowd Street, Parcel 00002668; Petitioner: Cheryl Williams

I. SUMMARY OF APPLICATION REQUEST:

The applicant, Cheryl Williams, on behalf of herself is requesting a rezoning for her property located at 209 Dowd Street from CBD to R-10. She would like to occupy the home as a detached single-family residence (dwelling), and although the home is a single family detached residence, since it is located in the CBD zoning district this is currently not a permitted use. The property is surrounded by R-10 (Residential) to the West, North and South. On the East side, it is zoned CBD (Central Business District).

II. PETITION MOTION

And, therefore, I move to approve to postpone:

OPTION 1

Approve to call the public hearing for R-02-24 for the Board of Commissioners meeting on May 20, 2024.

or

OPTION 2

Deny to call the public hearing for R-02-24 for the Board of Commissioners meeting on May 20, 2024 for the following reasons....



Town of Carthage

Resolution

Call for a Public Hearing for R-02-24 a Rezoning Request for Cheryl Williams located at 209 Dowd Street, PARID 00002668; Petitioner: Cheryl Williams

WHEREAS, Cheryl Williams, submitted a rezoning request, on behalf of herself to rezone her property from Central Business District (CBD) to Residential (R-10); and

WHEREAS, the project consists of her property located at PARID 00002668; and

WHEREAS, the current zone is CBD and does not permit a “dwelling, single family detached” as a permitted use in this district and she would like to utilize this home as a single family detached dwelling, which is permitted in the R-10 zoning district; then

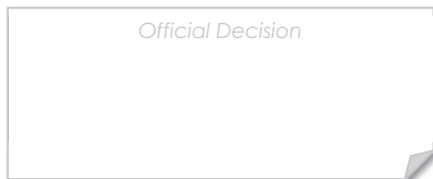
NOW, THEREFORE, BE IT RESOLVED, that the Town of Carthage Board of Commissioners adopt this resolution and call for a public hearing to be held on May 20, 2024, at 6:30 p.m. inside the McDonald Building located at 207 McReynolds Street and that the Town Clerk make all public notices as required.

ADOPTED this 15th day of April 2024.

Ayes: _____

Noes: _____

Absent or Excused: _____



Official Decision

Jimmy Chalfinch, Mayor

ATTEST:

Kimberly Gibson, Town Clerk



MEMORANDUM

Date: April 15, 2024

To: The Board of Commissioners

From: Jennifer Hunt, Town Planner

Subject: CZ-02-24: Request to call Public Hearing for the Conditional Zoning request for 218 Westview Road, PARID 00002067, from zone R-20 (Residential) to HCD-CZ (Highway Commercial District-Conditional Zoning); Petitioner: Michael Eder

I. SUMMARY OF APPLICATION REQUEST:

The applicant, Michael Eder, on behalf of himself is requesting to subdivide his parcel, PARID 00002067, into two lots. One lot is considered "Lot 11A" where his residential home is located (1.95 acres), and the other lot is considered "Lot 11B" where his shop is located (1.03 acres) with 10 proposed parking spaces and a landscaping buffer. Mr. Eder is bringing this request before the board because he has been working on diesel trucks from his home shop located on his property and is officially requesting this portion of his property be zoned appropriately. There is an access easement agreement between himself and the property owner of parcel 00000944701, for him to access this parcel off US 15-501. This parcel is zoned HCD.

II. PETITION MOTION

And, therefore, I move to approve to postpone:

OPTION 1

Approve to call the public hearing for CZ-02-24 for the Board of Commissioners meeting on May 20, 2024.

or

OPTION 2

Deny to call the public hearing for CZ-02-24 for the Board of Commissioners meeting on May 20, 2024 for the following reasons....



Town of Carthage

Resolution

Call for a Public Hearing for CZ-02-24 a Conditional Zoning Request from R-20 (Residential) to HCD-CZ (Highway Commercial District Conditional Zoning) for Michael Eder's property located at 218 Westview Road, for 1.03 acres of his entire property, 2.98 acres total, located PARID 00002067; Petitioner: Michael Eder

WHEREAS, Michael Eder, submitted a conditional zoning request, on behalf of himself so that he may conditionally zone the rear 1.03 acres portion out of 2.98 acres total of his property to HCD (Highway Commercial District) CZ (Conditional Zoning) to allow for his mechanic shop, which is an existing building, to remain in operation under the proper zoning. In addition, he is requesting as part of the conditional zoning permission to access the rear of the lot using a gravel easement that crosses through PARID 00000944, of which he has a personal agreement with the owner of this parcel to use for access; and

WHEREAS, the project consists of a minor subdivision separating this lot "11B" where his shop is located to be 1.03 acres at PARID 00002067; and

WHEREAS, the current zone is R-20 and does not permit "Automobile Repair Services- Minor" under the current zoning but does allow it in the HCD zoning district subject to Special Requirements (SR) 21. "Automobile Repair Services- Major" is permitted under a special use permit; then

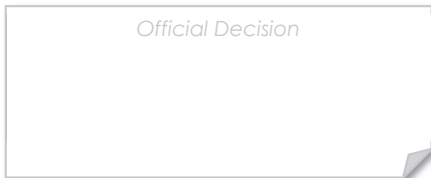
NOW, THEREFORE, BE IT RESOLVED, that the Town of Carthage Board of Commissioners adopt this resolution and call for a public hearing to be held on May 20, 2024, at 6:30 p.m. inside the McDonald Building located at 207 McReynolds Street and that the Town Clerk make all public notices as required.

ADOPTED this 15th day of April 2024.

Ayes: _____

Noes: _____

Absent or Excused: _____



Jimmy Chalfinch, Mayor

ATTEST:

Kimberly Gibson, Town Clerk



MEMORANDUM

Date: April 15, 2024
To: The Board of Commissioners
From: Emily Yopp, Town Manager
Subject: Resolution to Accept \$200,000 AIA Grant for Project No. AIAW-ARP-0232

I. SUMMARY OF APPLICATION REQUEST:

The Town of Carthage was awarded a \$200,000 Wastewater System Asset Inventory and Assessment (AIA) Grant from the NCDEQ Division of Water Infrastructure. These funds will be used to complete an inventory and assessment of the Town's collection system; field inspection of high-priority lines, pump stations, and select manholes; digitization of all existing record drawings; a mapping update to the Town's collection system; flow monitoring / inflow and infiltration analysis; and a utility rate study. These tasks will be used to develop a detailed Asset Management Plan and 20-Year Capital Improvement Plan for the Town's wastewater system. Carthage has never completed any kind of asset inventory and assessment study on the collection system prior to this project.

This will allow the Town the resources and information necessary to ensure the long-term success of the collection system, proactive management and operation of the system, and assist the Town in moving off of the distressed unit list in the near future. The scope of this study and the Asset Management Plan developed through this study will be performed and developed in accordance with the NCDEQ Division of Water Infrastructure's "Water and Wastewater Utility Evaluation Guidance Document: Asset Inventory and Assessment, Capital Cost, and Operating Cost Analyses".

In order to proceed with the project, the Board must adopt this Authorizing Resolution.

II. PETITION MOTION

I move that:

OPTION 1

The Board of Commissioners accept this funding and adopt the Authorizing Resolution for NCDEQ Project No. AIAW-ARP-0232.

or

OPTION 2

The Board of Commissioners decline this funding and Authorizing Resolution for the following reasons:

**AUTHORIZING RESOLUTION BY THE
TOWN COUNCIL FO THE TOWN OF CARTHAGE**

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$200,000.00 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the Town of Carthage intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

That the Town of Carthage does hereby accept the American Rescue Plan (ARP) offer of \$200,000.00.

That the Town of Carthage does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Emily Yopp, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 15th day of April at Carthage, North Carolina.

Jimmy Chalflinch

Kim Gibson, Town Clerk

(SEAL)



MEMORANDUM

Date: April 15, 2024
To: The Board of Commissioners
From: Emily D. Yopp, Town Manager
Subject: Review Budget Priorities for FY 24-25

At the Board's budget workshop, we discussed a variety of topics and needs for this upcoming budget and the Board was given a budget priorities worksheet with 18 different items. The Board was asked to individually prioritize these items so that staff would have the direction it needed to create the FY 24-25 budget.

The "Top 10" Priorities of the Board based on the worksheets are as follows:

1. Implement 4% COLA, conduct pay study, allocate 3% of adjusted salaries for making adjustments after receiving results of pay study.
2. Addition of one (1) full-time Police Officer position.
3. Addition of up to three (3) full-time Firefighters.
4. Addition of two (2) full-time Public Works employees.
5. Increase hourly rate of pay for Auxiliary Police Officers.
6. Renovation of the Public Works area.
7. Install Needmore Community sign and develop park.
8. Implement annual bonuses for part-time, volunteer Fire Department staff.
9. Begin developing various strategic master plans in all departments.
10. Improvements/upgrades to Community & McDonald Building.

Republic Services Decision

During the workshop, we discussed that Republic Services, our 3rd party trash service, will be increasing their price per trash can (also known as a "cart") from \$10.99 to \$12.99/month (+\$2.00). While the Board did express that they have been happy with Republic Services, there was also discussion about seeking to open the bidding process to see if a better price could be found to help offset the increased cost to our community members.

Does the Board wish to conduct a bidding process to identify new service providers and costs?

SUGGESTED MOTION(S)

1. Staff is seeking a motion from the Board that these 10 priorities are acceptable, and that staff should develop a budget that aligns with these priorities as much as possible.
2. Staff is seeking a motion from the Board regarding which direction the Board wants to take with regard to trash service providers.



MEMORANDUM

Date: April 15, 2024
To: Board of Commissioners
From: Jamie Sandoval, Management Analyst
Subject: Discussion on Mural Ordinance Update to Town of Carthage Code of Ordinances.

SUMMARY OF REQUEST

It has come to the attention of Town staff and the Mural Committee that the current Mural Regulation within the Town of Carthage Code of Ordinances is extremely vague and needs to be updated. Town staff has been rewriting the ordinance to update the language to become more defined and have more clarity in what is required from town staff, the Board of Commissioners, and the Mural Committee.

Town staff is looking for recommendations for the updated language and what the Board of Commissioners would like to see for the mural regulations, if any. Staff will then take these recommendations and work with the Century Committee/Mural Committee to develop an improved ordinance.

The following ordinance is the current Mural Regulations in Chapter 97 in the Code of Ordinances. Below are some highlighted sections of most concern.

§ 97.01 INTENT.

It is the intent of the Town Board of Commissioners, for the purpose of promoting the local economy, tourism and for the purpose of beautifying the town, to adopt this chapter regarding murals, their location and design.

(Ord. passed 11-19-2013)

§ 97.02 DEFINITIONS.

As used in this chapter, the following definitions shall apply:

DOWNTOWN CARTHAGE. The area bounded by the following streets: Rockingham Street, Rockingham Street Extension, East Barrett Street, West Barrett Street, Buggy Drive, Saunders Street and McNeill Street.

MURAL. A permanent picture painted directly on an exterior wall or on panels to exterior walls.

MURAL PROJECT PERMIT. A permit issued by the town to a private party authorizing the painting of a mural within downtown Carthage.

(Ord. passed 11-19-2013)

§ 97.03 LOCATION OF MURALS.

The intent of the Town Board of Commissioners regarding the establishment of areas for murals is to encourage concentration of murals in the downtown area of the town. However, this intent should not be used as the sole rationale to deny murals in other areas of the town.

(A) *Mural design approval required for permit issuance.* Prior to painting, installation and execution of a mural, an application must be submitted for review and approval by the Town Board of Commissioners.

(B) *Mural design amendment - approval required.* Prior to amending a mural design (whether painted or not yet painted) that has been approved by the Town Board of Commissioners, an application for an amendment of the permit shall first be approved by the Town Board of Commissioners. Upon approval, the permit for the mural shall be amended.

(C) *Location of murals.* It is the intent of the Town Board of Commissioners that murals be located on the side of buildings that have been approved by the Board.

(D) *Downtown Carthage murals.* No wall mural shall be permitted in downtown Carthage except those in compliance with this chapter.

(Ord. passed 11-19-2013)

§ 97.04 CRITERIA FOR DESIGN OF MURALS.

The following criteria shall apply to the design of murals submitted for approval:

(A) The subject matter shall be of historic significance of the growth and development of the town and its surrounding environs, to include the geographical area of the County of Moore.

(B) The paint to be used and applied shall be appropriate for use in an outdoor locale and for an artistic rendition and shall be of a permanent, long-lasting variety.

(C) The mural shall be designed and painted by qualified mural artists with sufficient knowledge of the design of such projects and the application of paints for such projects.

(D) The Town Board of Commissioners may, from time to time, by resolution, adopt additional criteria and guidelines for the design of murals.

(E) *Mural design review.* All applications for mural permits shall be referred to the Mural Review committee. The said committee may offer suggestions and

recommendations to the applicant and/or Town Commissioners to assist in the decision-making process.

(F) *Mural Review Committee and application.* The Century Committee shall be responsible for selecting five persons of their choosing to serve on the Mural Review Committee. The Mural Review Committee will establish an application and guidelines consistent with this chapter.

(G) *Fees for mural permit.* Application fee and/or permit issuance. In the event the Town Board of Commissioners determines it appropriate, it may set, by resolution, any fee for the application and/or permit issuance.

(H) *Town Board of Commissioner approval.* The Town Board of Commissioners approval of a mural design shall occur only after public notice and an opportunity being provided to any interested party to present any appropriate comments, considerations and/or concerns, either in writing or orally, to the Town Board of Commissioners.

(Ord. passed 11-19-2013)

SUGGESTED MOTION(S)

Option #1:

I motion to approve that Town staff revise the Mural Regulations and present the updated Ordinance back to the Board of Commissioners for approval.

OR

Option #1:

I motion to approve that Town staff revise the Mural Regulations with the following recommendations...

OR

Option #3:

I motion to deny that Town staff revise the Mural Regulations for the following reasons...



MEMORANDUM

Date: April 15, 2024
To: Board of Commissioners
From: Jamie Sandoval, Management Analyst
Subject: Letters to Businesses with Non-Conforming Signs

SUMMARY OF REQUEST

Following the Appeal hearing decision for 609 Park Street it was recommended from the Board of Commissioners that Town staff send out letters notifying businesses and property owners with non-conforming signs that their commercial signs are non-conforming and any major changes or expansions to the non-conforming signs are not allowed per the Unified Development Ordinance (UDO). A non-conforming sign simply means that the sign was permitted at the time of installation; however, since the UDO is updating and changing to meet the standards seen fit to the Board of Commissioners, the type of sign is no longer allowed. Town staff found that there are currently 38 non-conforming signs within the Town of Carthage.

The following letter will be sent out to all businesses/property owners notifying that they have a non-conforming sign.

<Date>

<Address>

Subject: Notification of Sign Non-Conformity at <Address>

Dear Property Owner,

As the result of a recent non-conforming sign appeal decision, the Carthage Board of Commissioners have issued a directive to town staff that an inventory of all non-conforming signs still standing within the Town of Carthage and extraterritorial jurisdiction where our planning and zoning ordinances apply be conducted and that all property and/or sign owners be informed of any signs located on their property that fall under our non-conforming sign ordinance language. The purpose of this action is to ensure transparency of our ordinances and to better communication between the Town of Carthage governing body, staff and community members.

This letter shall serve as notification that a non-conforming sign, located on a property that you own, has been identified and that we have notified you of this non-conformity.

Please reference the information in the following pages for more details on what the ordinance says regarding non-conforming signs and what regulations may apply to your sign.

Location:

<Location of non-conforming sign>

Description of Sign:

<Description of the sign>

Description of Non-Conformity:

<Reason to why the sign is non-conforming>

Sincerely,

Town of Carthage

****PLEASE KEEP THIS LETTER FOR YOUR RECORDS****

Frequently Asked Questions

1. What is an ordinance?

Similar to a law but not as broad, an ordinance is a piece of legislation enacted by a municipal authority, such as a Town/City or County government.

2. Why do our ordinances have language on “non-conformities”?

City and County standards for the development of land within their jurisdiction changes over time as people seek to build new structures or use their land in new ways. For example, land that may have once been used for warehouses could be purchased by someone who wants to build a grocery store instead. This “change in use” may trigger the need to amend an ordinance to allow that grocery store to be built in that location. As these changes occur over time, certain structures and uses no longer align with the current zoning ordinances which prompts the need to examine the delicate balance between property rights and evolving land-use policies. The adoption of non-conforming ordinance language helps to find that balance.

3. What is a non-conforming sign?

Any sign legally in use prior to the effective date of the ordinance, or any amendments that may have occurred, which does not satisfy the requirements of the ordinance is declared to be a non-conforming sign and may be allowed to remain so long as it follows the requirements specified in the ordinance.

4. What requirements does my sign have to follow?

Any non-conforming sign may be continued but it shall not be:

- a) Changed or replaced with another non-conforming sign, except that the copy (letters, pictures) may be changed.
- b) Expanded or modified in any way which increases the sign’s non-conformity. Nor may illumination (lights) be added.
- c) Moved except to bring the sign into complete conformity with the ordinance.
- d) Re-established once the sign structure has been removed.
- e) Re-established after damage or deterioration as defined in Section 4 of the Non-Conforming Sign ordinance.
- f) Re-established after it has been discontinued, regardless of reason or intent, for one hundred twenty (120) days or more.

5. Can I do maintenance on my sign?

Yes, but there are some exceptions. All non-conforming signs are subject to all the requirements of this ordinance regarding safety, maintenance and repair. Non-conforming signs shall be maintained in good condition including necessary non-structural repairs, incidental alterations or copy alterations, such as repainting and electrical repairs which do not **extend or intensify** the non-conforming features of the sign.

For example, you may not re-paint the sign with colors that bring more attention to the non-conforming sign. If the sign has lights on it, you cannot alter the existing electrical work to add more lights or make the lights brighter. It also means that you cannot add on to the sign in such a way that it causes the sign to cover a larger area or replace pieces of the non-conforming sign to make it last longer. This is because the ordinance was adopted for the purpose of eventually eliminating, as quickly and fairly as possible, non-conforming signs in the Town of Carthage.

6. What other types of signs are considered non-conforming in Carthage?

Each sign is unique, but the following list of signs that are no longer allowed in Carthage, and some may be considered non-conforming if they were built before the ordinance prohibited them. If you are unsure if your sign applies, please contact Town Hall to speak with a member of the Planning & Zoning department.

- Roof Signs.
- Snipe Signs, including utility pole signs except as allowed in the Agriculture Temporary Sign Overlay District.
- Simulated public safety, warning or traffic signs.
- Animated and Electronic Message Signs that change more frequently than every 8 seconds.
- Motion signs including air-activated and balloon signs but not including temporary blade signs or signs allowed in residential districts.
- Vehicle message signs.
- Signs located within sight triangles of intersections.
- Signs emitting glare that causes discomfort or pain or reduces visibility.
- Flags consecutively strung together.
- Obscene signs.
- Off-premise signs greater than 32 square feet.
- Pole signs.
- Portable message signs.

7. Which signs are allowed in Carthage?

There are many styles of signs allowed in Carthage and it is impossible to detail each one in this letter. However, it is important to remember that almost all signs, whether temporary or permanent, require a permit issued by the Town of Carthage (permit fees vary). We recommend that, before installing your temporary or permanent sign, that you speak with a Planning & Zoning staff member on whether or not your sign requires a permit. If you do require a permit, our staff is happy to help you complete an application. Failure to secure a permit could result in a zoning code violation.

8. Do I need a permit to do work on my non-conforming sign?

Not necessarily. Again, we strongly encourage you to reach out to the Planning & Zoning staff with your **specific questions prior to starting the work** so that we can ensure you receive the most accurate information. Not all signs are the same and so rules that may apply to a sign in one location won't necessarily apply to yours. The role of Planning & Zoning staff is to assist our community members with navigating the ever-changing State laws and local ordinances and we are available to assist you, just give us a call or stop by – we love to see you!

We hope this answers most of your questions, but please do not hesitate to contact Town Hall if you need more information.

SUGGESTED MOTION(S)

Option #1:

I motion to approve that Town staff send out the letter as written and presented.

OR

Option #2:

I motion to approve that Town staff send out the letter with the following recommendations...

OR

Option #3:

I motion to deny that Town staff send out the letter as written for the following reasons...

Audit Contract

North Carolina General Statute 159-34 and North Carolina General Statute 115C-447 require all local governments, public authorities, and schools to have their accounts audited annually and to submit the audit report to the Secretary of the Local Government Commission. The audit should be completed by October 31st each year. We have not completed the FY 2021-22 audit because of increasing workloads and prior understaffing in the Finance Department. Attached is an amended audit contract (LGC-205) submitted by S. Preston Douglas & Associates for their services for the Fiscal Year Ending June 30, 2022. This contract is amended to extend the completion date to April 30, 2024 and also to increase the audit fee to include single audit work. A nonprofit or governmental organization with federal expenditures in excess of \$750,000 is required by law to have a single audit performed, which includes an audit of both the financial statements and the federal awards. According to the single audit definition, it's a process for reviewing how you managed the grant and ensures you followed the rules for dollars associated with the grant or award.

Sample Motion:

I move that the Board accept the Amended Contract to Audit Accounts for the Town of Carthage for the Fiscal Year ending June 30, 2022.

Whereas	Primary Government Unit TOWN OF CARTHAGE
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A
and	Auditor S. PRESTON DOUGLAS & ASSOCIATES, LLP

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending	and originally due on	Audit Report Due Date
	<input type="text" value="06/30/22"/>		<input type="text" value="10/31/22"/>

hereby agree that it is now necessary that the contract be modified as follows.

<input checked="" type="checkbox"/> Modification to date	Original due date 10/31/22	Modified due date 04/30/24
<input checked="" type="checkbox"/> Modification to fee	Original fee \$ 20,500.00	Modified fee \$ 31,000.00

Primary Other
(choose 1)(choose 0-2)

Reason(s) for Contract Amendment

- Change in scope
- Issue with unit staff/turnover
- Issue with auditor staff/workload
- Third-party financial statements not prepared by agreed-upon date
- Unit did not have bank reconciliations complete for the audit period
- Unit did not have reconciliations between subsidiary ledgers and general ledger complete
- Unit did not post previous years adjusting journal entries resulting in incorrect beginning balances in the general ledger
- Unit did not have information required for audit complete by the agreed-upon time
- Delay in component unit reports
- Software - implementation issue
- Software - system failure
- Software - ransomware/cyberattack
- Natural or other disaster
- Other (please explain)

Plan to Prevent Future Late Submissions

If the amendment is submitted to extend the due date, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years. Indicate NA if this is an amendment due to a change in cost only.

Additional staff has been hired to address the staff shortage.

Additional Information

Please provide any additional explanation or details regarding the contract modification.

Staff shortages was the main cause of the late audit. For the increase in audit fee, during the 2022 fiscal year, the Town had a significant increase in project fund expenditures as well as a federal single audit. There were also issues with the trial balance which required more adjustments than normal.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* S. PRESTON DOUGLAS & ASSOCIATES, LLP	
Authorized Firm Representative* (typed or printed) Lee Grissom, CPA	Signature*
Date*	Email Address lgrissom@spdouglas.com

GOVERNMENTAL UNIT

Governmental Unit* TOWN OF CARTHAGE	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed)	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer*	Signature*
Date of Pre-Audit Certificate*	Email Address*



TOWN OF CARTHAGE

ORDINANCE ESTABLISHING A NEW SEWER CAPITAL IMPROVEMENT PROJECT

WHEREAS, the Town of Carthage has been awarded grant and loan funding from the US Department of Agriculture to support building the installation of a 16-inch line to supplement a current 8-inch line and extend the line south to tie in with Moore County's 30-inch line for transfer to the wastewater treatment plant, totaling \$8.867M and

WHEREAS, in accordance with generally accepted accounting principles and the current accounting structure for the Town of Carthage, the Board wishes to adopt a separate capital project ordinance for sewer system improvements, therefore,

BE IT ORDAINED that the Town of Carthage Board of Commissioners adopts the following project ordinance, effective April 15, 2024 through project completion, to be accounted for in the Sewer Capital Improvement Fund.

Revenues:		
USDA Loan		\$3,448,000
USDA Grant		<u>5,419,000</u>
Total Revenues		<u>\$8,867,000</u>
Expenditures:		
Development		\$7,363,006
Engineering Fees:		
PER	0	
ER	5,000	
Design	25,600	
Inspection	153,540	
Additional Services		
Geotechnical	2,500	
Easement Survey	<u>2,000</u>	188,640
Permitting		1,700
Land Acquisition		22,144
Legal Fees (Local Attorney)		4,001
Legal Fees (Bond Counsel)		34,500
Interest		40,320
Transfer to General Fund		16,842
Transfer to ARP Fund		88,600

Transfer to Water Fund	750
Transfer to Sewer Fund	357,821
Project Contingency	<u>748,676</u>
Total Expenditures	<u>\$8,867,000</u>

Adopted this day, the 15th of April, 2024

Jimmy Chalflinch, Mayor

Kimberly Gibson, Town Clerk

SEAL



MEMORANDUM

Date: April 15, 2024

To: The Board of Commissioners

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 a 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 is proposed to be removed and the underlining represents the zoning text that would 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.

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 Current Table of Permitted and Conditional Uses

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 bdrms or less	P	P	P	P		P							49
(Family) Child Care Home**	P	P	P	P	P	P							41
Child Care Center-in-Residence**	S			S	S	S							42
Common Area Recreation & Services Facilities	P	P	P	P	P	P						P	
	*amended 11/16/09			**amended 8-15-16									

Section 100.55 PROPOSED Table of Permitted and Conditional Uses:

PROPOSED TABLE OF PERMITTED AND CONDITIONAL USES																
USE TYPES	RA	R	R	R	R	R	R	R	R	C	B	T	H	I	AP	S
P = Permitted Use	40	20	10	M	M	H	H	B	B	2	2	B	C			R
S = Special Use				10	H	D	D	D	D			D	D			
CZ = Conditional Zoning																
SR = Special Requirements																
RESIDENTIAL USES																
Adult Day Care facility - 5 or less**	P	P	P	P	P	P	P									2
Boarding & Rooming houses	P	P	P	P	P	P	P	P	P	P					P	49
Bed & Breakfast	P	P	P	P	P	P	P	P	P	P					P	50
Homestay	P	P	P	P	P	P	P	P	P	P					P	51
Short Term Rentals (less than 5 bedrooms)	P	P	P	P	P	P	P	P	P	P					P	52
(Family) Child Care Home**	P	P	P	P	P	P	P									41

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) The owner of the home must live within the house.
- b) 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.
- c) The use of Recreational Vehicles or mobile homes for these purposes are not permitted as part of a Boarding & Rooming House use.
- d) 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.
- e) A zoning compliance permit is required for every Boarding and Rooming established after the adoption date of May 1, 2024.
- f) 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.
- g) Water heater. Every lavatory basin and bathtub or shower shall always be supplied with hot water.
- h) 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.
- i) 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.
- j) 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) The owner or manager of the home must live within the Town of Carthage town limit or within three miles of the ETJ boundaries of the residence.

- b) 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.
- c) The owner/manager shall reside on the property.
- d) The minimum lot area for a bed and breakfast inn shall be 20,000 square feet.
- e) 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.
- f) The length of the stay of the guests shall not exceed 14 days.
- g) Off-street parking shall be provided in two spaces plus one space for every quest 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.
- h) 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.
- i) Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- j) Comply with N.C. State Building Code requirements.
- k) No cooking facilities in quest rooms.
- l) No other home occupation than bed-and-breakfast is permitted.

Homestays

SR 51. Homestays

- a) The owner of the home must live within the home.
- b) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- c) 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.
- d) 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.
- e) One additional off-street parking is required for a homestay.
- f) Only one homestay shall be permitted per lot/parcel.
- g) Homestay zoning compliance permits must be obtained. A zoning compliance permit is required and to be renewed each year in January.
- h) Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- i) The homestay owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.
- j) The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.

- k) 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.
- l) Legally established, but non-conforming properties are eligible for homestay use.

Short Term Rentals

SR 52. Short Term Rentals

- a) The owner of the home must live within the Town of Carthage town limit or within three miles of the ETJ boundaries of the residence.
- b) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- c) No activities other than lodging shall be provided.
- d) Off-street parking shall be required at one space for each quest room plus one extra space.
- e) No signage shall be allowed for short-term rentals.
- f) Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- g) The short-term rental owner or operator shall maintain liability insurance on the property, which covers the short-term rental use and quests.
- h) The short-term rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- i) The short-term rental shall comply with all current and applicable building codes.
- j) The use provisions of this section are not subject to variance by the Board of Adjustment.
- k) 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.
- l) 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.
- m) 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.
- n) Preparation and service of food by operators for quests is prohibited. No cooking is permitted in individual bedrooms.
- o) Mandatory quiet hours are 10:00 PM to 8:00 AM daily.
- p) 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.
- q) A zoning compliance permit is required for every short-term rental established after the adoption date of May 1, 2024.
- r) 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 100.24, Section 100.42 and Section 100.44.

B. Amendment Procedure and Review:

When reviewing an application for a UDO text amendment, the Board of Commissioners shall consider and be guided by Section 100.44 as set forth in UDO below:

Section 100.44 (5) Amendment Procedure for Text Amendments and Map Amendments

The Board of Commissioners may choose to make their decision to approve or deny at the same meeting or a subsequent meeting. The Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Board shall vote on the petition. The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

- a. *Approve the amendment and describe its consistency with the adopted Land Use Plan.*
- b. *Reject the zoning amendment and describe its inconsistency with the adopted Land Use Plan.*
- c. *Approve the amendment and deem it a modification of the adopted Land Use Plan. The Board shall describe why the action taken is reasonable and in the public interest. In certain circumstances, it may be beneficial for the Planning Board to convene with the Board of Commissioners during the public hearing prior to making their recommendation. Once the hearing is conducted, the Planning Board may then reconvene to make their recommendation the same day or at a subsequent Planning Board meeting for transmittal to the Board of Commissioners.*

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.

IMPORTANT NOTE:

After sending the memo that was recommended by the Planning Board back to the Town Attorney before presenting it to the BOC, the Town Attorney does not recommend Boarding & Rooming Houses, Bed & Breakfasts, Homestays, and Short-Term Rentals in the Commercial or Industrial districts. Therefore, this memo has been updated to allow for Boarding & Rooming Houses, Bed & Breakfasts, Homestays, and Short-Term Rentals in the Residential districts and the Airport district, as shown on the "Proposed Table of Permitted Uses." Also, for Homestays and Boarding & Rooming Houses, the Town Attorney recommends requiring the owner to live in the home. The Board of Commissioners may choose to remand this updated proposal back to the Planning Board for a "re-review" and recommendation prior to their decision or may proceed with the decision.

III. PLANNING BOARD RECOMMENDATION:

Planning board recommended removing the language "authorized representative" from the original proposal which said: "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." All were⁵⁷

in favor, with the motion passing, with the removal of “authorized representative” so that the owner of the home must live within the Town of Carthage Town Limit or within 3 miles of the ETJ boundaries of the residence.

IV. BOARD OF COMMISSIONERS ACTION:

The Board of Commissioners (BOC) shall conduct a public hearing regarding the petition per Article 5, Section 100.42 of the Town of Carthage Unified Development Ordinance (UDO).

The BOC shall first adopt a Resolution of Consistency with the adopted 2040 Land Use Plan and other long-range plans. Then the Board shall vote on the petition **(Two motions required)**. The Board of Commissioners may wish to use the following motions for guidance:

LUP CONSISTENCY MOTION (1st Required Motion)

I move that after considering the criteria for text amendments found in Article 5 of the UDO, the first of which is consistency with the 2040 Land Use Plan, the Board of Commissioners finds that:

OPTION 1

The proposed text amendment is consistent with the 2040 Land Use Plan and is a reasonable way to implement the 2040 Land Use Plan for the reasons set forth in the Planning Board’s recommendation, and therefore the Board of Commissioners adopts the Planning Board resolution that is included in the attachment to the staff report for the text amendment update.

or

OPTION 2

The proposed text amendment is consistent with the 2040 Land Use Plan and is a reasonable way to implement the 2040 Land Use Plan for the reasons set forth in the Planning Board’s recommendation, and therefore the Board of Commissioners adopts the Planning Board resolution that is included in the attachment to the staff report for the text amendment request, **but with the following edits or additions to the Statement(s) of Land Use Plan Consistency...**

or

OPTION 3

The proposed text amendment is **inconsistent** with the 2040 Land Use Plan and/or are unreasonable **for the following reasons...**

PETITION MOTION (2ND Required Motion)

And, therefore, I move to:

OPTION 1

Approve TA-01-23 (if desired, the Board of Commissioners may state any additional reasons you support the proposed amendments, besides those already listed in the Statement(s) of Land Use Plan Consistency).

or

OPTION 2

Approve TA-01-23 ***but with the following changes...*** (if any changes were made to the proposed revisions, list the changes **and** reason(s) the text was changed).

or

OPTION 3

Deny TA-01-23 (***the Board of Commissioners must state any reasons for denial of the proposed amendments***).

**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 Board of Commissioners of the Town of Carthage resolves as follows:

Section 1. The Board of Commissioners 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 Board of Commissioners’ reasonings/findings for the approval or disapproval of this consistency statement based on the above selected goals.

Section 2. The Board of Commissioners 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

Jimmy Chalflinch, Mayor

Kimberly Gibson, Town Clerk



Town of Carthage

Ordinance No ORD.

Amending the Town of Carthage Official Zoning Text as it Pertains to the Unified Development Ordinance in Section 100.70 (A) "General Definitions" and Section 100.55 entitled "Table of Permitted and Special 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."

WHEREAS, the Board of Commissioners of the Town of Carthage adopted Zoning Ordinance is for the purpose of regulating planning and development in the Town of Carthage and the extraterritorial area over which it has jurisdiction; and

WHEREAS, said Ordinance may be amended as circumstances of the community and property change; and

WHEREAS, the Town of Carthage represented by Planning Staff requested to update the zoning ordinance text for Section 100.70 (A) by adding a General Definition for Short Term Rentals and in Section 100.55 "Table of Permitted and Special Uses" to permit short term rentals in the Central Business District (CBD) district subject to the special requirements listed in Section 100.56 A* Special Requirements 49; and

WHEREAS, the zoning ordinance text amendment request was duly advertised for an open meeting before the Town of Carthage Planning Board at 6:30pm on Thursday, November 2, 2023, and after consideration the Planning Board unanimously recommended approval of the zoning ordinance text amendment; and

WHEREAS, a public hearing was held at a regular meeting of the Town of Carthage Board of Commissioners on Monday, November 20, 2023 at 6:30 pm in the McDonald Building, 207 McReynolds Street, after due notice in The Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Town of Carthage, and its extraterritorial jurisdiction.

WHEREAS, the Board of Commissioners have reviewed this zoning amendment with consistency with the 2040 Town of Carthage Land Use Plan; and

WHEREAS, the Board of Commissioners, after considering all of the facts and circumstances surrounding the zoning ordinance text amendment, have determined that it is in the best interest of the Town of Carthage that the Zoning Ordinance text be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF CARTHAGE BOARD OF COMMISSIONERS THAT:

The Zoning Ordinance text of the Town of Carthage Ordinance is hereby amended by the following:

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.

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 PROPOSED Table of Permitted and Conditional Uses:

<u>PROPOSED TABLE OF PERMITTED AND CONDITIONAL USES</u>															
USE TYPES	RA	R	R	R	R	R	R	R	C	B	T	H	I	AP	S
P = Permitted Use	40	20	10	M	M	H	H	B	B	2	B	C			R
S = Special Use				10	H	D	D	D	D		D	D			
CZ = Conditional Zoning															
SR = Special Requirements															
RESIDENTIAL USES															
Adult Day Care facility - 5 or less**	P	P	P	P	P	P	P								2
Boarding & Rooming houses	P	P	P	P	P	P	P	P	P					P	49
Bed & Breakfast	P	P	P	P	P	P	P	P	P					P	50
Homestay	P	P	P	P	P	P	P	P	P					P	51
Short Term Rentals (less than 5 bedrooms)	P	P	P	P	P	P	P	P	P					P	52
(Family) Child Care Home**	P	P	P	P	P	P	P								41

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) The owner of the home must live within the house.
- b) 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.
- c) The use of Recreational Vehicles or mobile homes for these purposes are not permitted as part of a Boarding & Rooming House use.
- d) 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.
- e) A zoning compliance permit is required for every Boarding and Rooming established after the adoption date of May 1, 2024.
- f) 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.
- g) Water heater. Every lavatory basin and bathtub or shower shall always be supplied with hot water.
- h) 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.
- i) 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.
- j) 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) The owner or manager of the home must live within the Town of Carthage town limit or within three miles of the ETJ boundaries of the residence.
- b) 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.
- c) The owner/manager shall reside on the property.
- d) The minimum lot area for a bed and breakfast inn shall be 20,000 square feet.
- e) 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.
- f) The length of the stay of the guests shall not exceed 14 days.
- g) 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.

- h) 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.
- i) Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- j) Comply with N.C. State Building Code requirements.
- k) No cooking facilities in guest rooms.
- l) No other home occupation than bed-and-breakfast is permitted.

Homestays

SR 51. Homestays

- a) The owner of the home must live within the home.
- b) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- c) 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.
- d) 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.
- e) One additional off-street parking is required for a homestay.
- f) Only one homestay shall be permitted per lot/parcel.
- g) Homestay zoning compliance permits must be obtained. A zoning compliance permit is required and to be renewed each year in January.
- h) Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- i) The homestay owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.
- j) The homestay owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- k) 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.
- l) Legally established, but non-conforming properties are eligible for homestay use.

Short Term Rentals

SR 52. Short Term Rentals

- a) The owner of the home must live within the Town of Carthage town limit or within three miles of the ETJ boundaries of the residence.
- b) No displays of goods, products, services, or other advertising shall be visible from outside of the dwelling.
- c) No activities other than lodging shall be provided.
- d) Off-street parking shall be required at one space for each guest room plus one extra space.
- e) No signage shall be allowed for short-term rentals.
- f) Exterior lighting shall be residential in nature and shall comply with the lighting requirements in the UDO.
- g) The short-term rental owner or operator shall maintain liability insurance on the property, which covers the short-term rental use and guests.
- h) The short-term rental owner or operator must pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.
- i) The short-term rental shall comply with all current and applicable building codes.
- j) The use provisions of this section are not subject to variance by the Board of Adjustment.
- k) 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.

- l) 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.
- m) 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.
- n) Preparation and service of food by operators for guests is prohibited. No cooking is permitted in individual bedrooms.
- o) Mandatory quiet hours are 10:00 PM to 8:00 AM daily.
- p) 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.
- q) A zoning compliance permit is required for every short-term rental established after the adoption date of May 1, 2024.
- r) 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.

Ordained this _____ day of _____, 2024.

ATTEST:

Kimberly Gibson, Town Clerk

Jimmy Chalflinch, Mayor



MEMORANDUM

Date: April 15, 2024

To: The Board of Commissioners

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

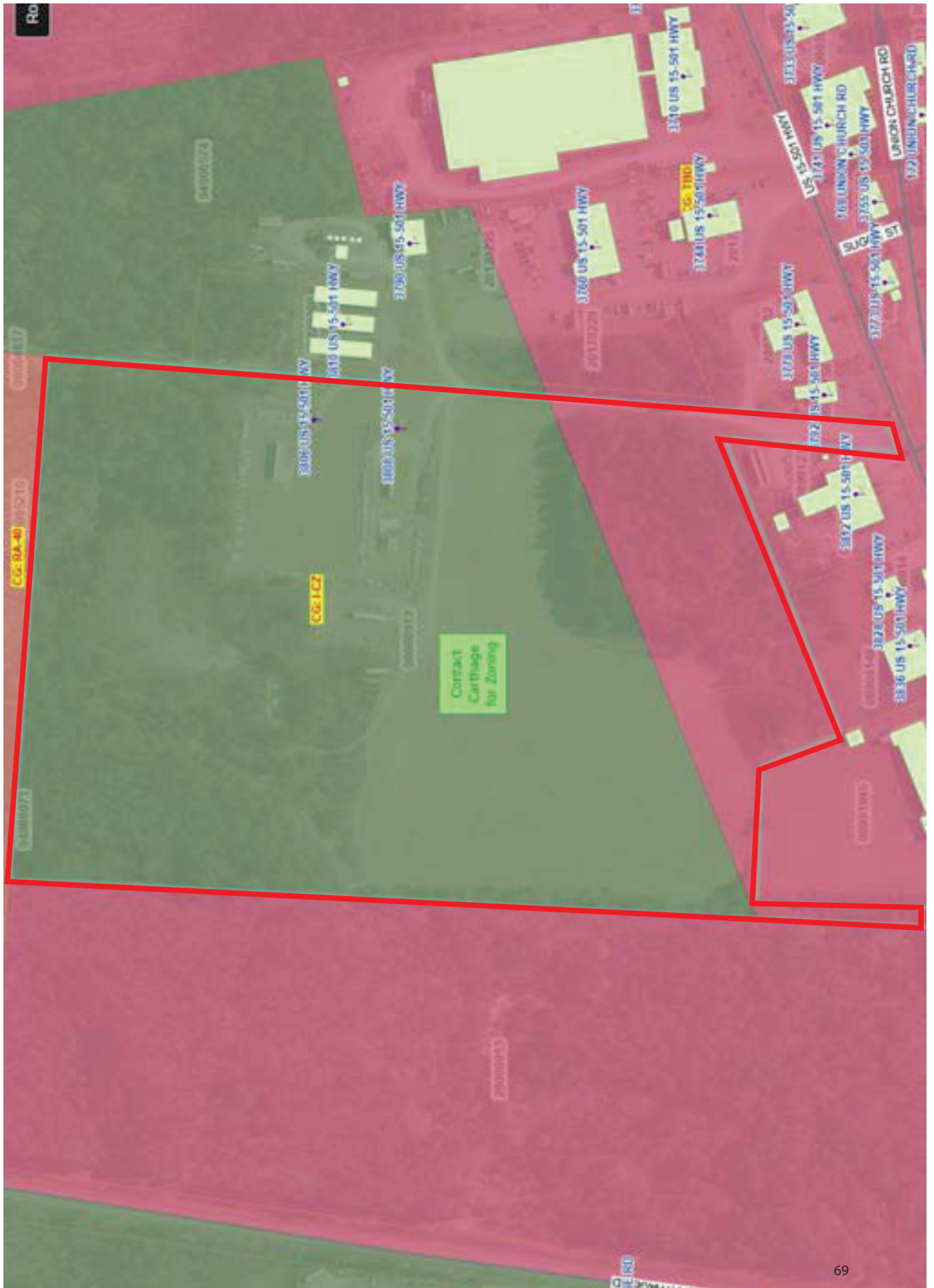
I. SUMMARY OF APPLICATION REQUEST:

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.

Figure 1: Site Location outlined in red.



III. APPLICATION REVIEW:

When reviewing an application for conditional zoning, the Board of Commissioners shall consider and be guided by Article 5. Below is highlighted Section 100.42 and Section 100.44 as set forth in UDO:

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 (5) Amendment Procedure for Text Amendments and Map Amendments- Board of Commissioners:

The Board of Commissioners may choose to make their decision to approve or deny at the same meeting or a subsequent meeting. The Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the Board shall vote on the petition. The Resolution of Consistency may take one of three forms consistent with N.C.G.S 160D-604(d); 605(a); 701.

- 1. Approve the amendment and describe its consistency with the adopted Land Use Plan.*
- 2. Reject the zoning amendment and describe its inconsistency with the adopted Land Use Plan.*
- 3. Approve the amendment and deem it a modification of the adopted Land Use Plan. The Board shall describe why the action taken is reasonable and in the public interest. In certain circumstances, it may be beneficial for the Planning Board to convene with the Board of Commissioners during the public hearing prior to making their recommendation. Once the hearing is conducted, the Planning Board may then reconvene to make their recommendation the same day or at a subsequent Planning Board meeting for transmittal to the Board of Commissioners.*

C. 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. PLANNING BOARD RECOMMENDATIONS:

- a. The Planning Board recommends approving the proposed rezoning, upon the approval of the US Fish and Wildlife, if they approve developing in the desired location. All ayes.

V. ATTACHMENTS PROVIDED BY THE APPLICANT:

- 1. Recombination Survey- Rezoning of approximately 5.27 acres

VI. BOARD OF COMMISSIONERS ACTION:

FIRST: Open and Conduct the Public Hearing. Ask for comments. Please have each person come forward to the podium and state their name and address.

The Board of Commissioners (BOC) shall conduct a public hearing regarding the petition per Article 5, Section 100.42 of the Town of Carthage Unified Development Ordinance (UDO).

SECOND: Close the Public Hearing!!! *** Once the public hearing is CLOSED, there are no more public comments allowed! You may discuss your comments with each other (the BOC) after the public hearing is closed, for comments, from the public.

THIRD: Adopt 1st motion- **LUP CONSISTENCY MOTION**

FOURTH: Adopt 2nd motion- **PETITION MOTION**

The Board of Commissioners shall set a date for public hearing of any petition for amendment per UDO Section 100.42 and 100.44. The Board of Commissioners shall conduct a public hearing regarding the petition. The Planning Board recommendation and Statement of Consistency shall be provided to the Board of Commissioners.

The Board shall first adopt a Resolution of Consistency with the adopted Land Use Plan and other long-range plans then the 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 Board believes this action taken is reasonable and in the public interest because.....

VII. 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 conditionally with the following modifications.....

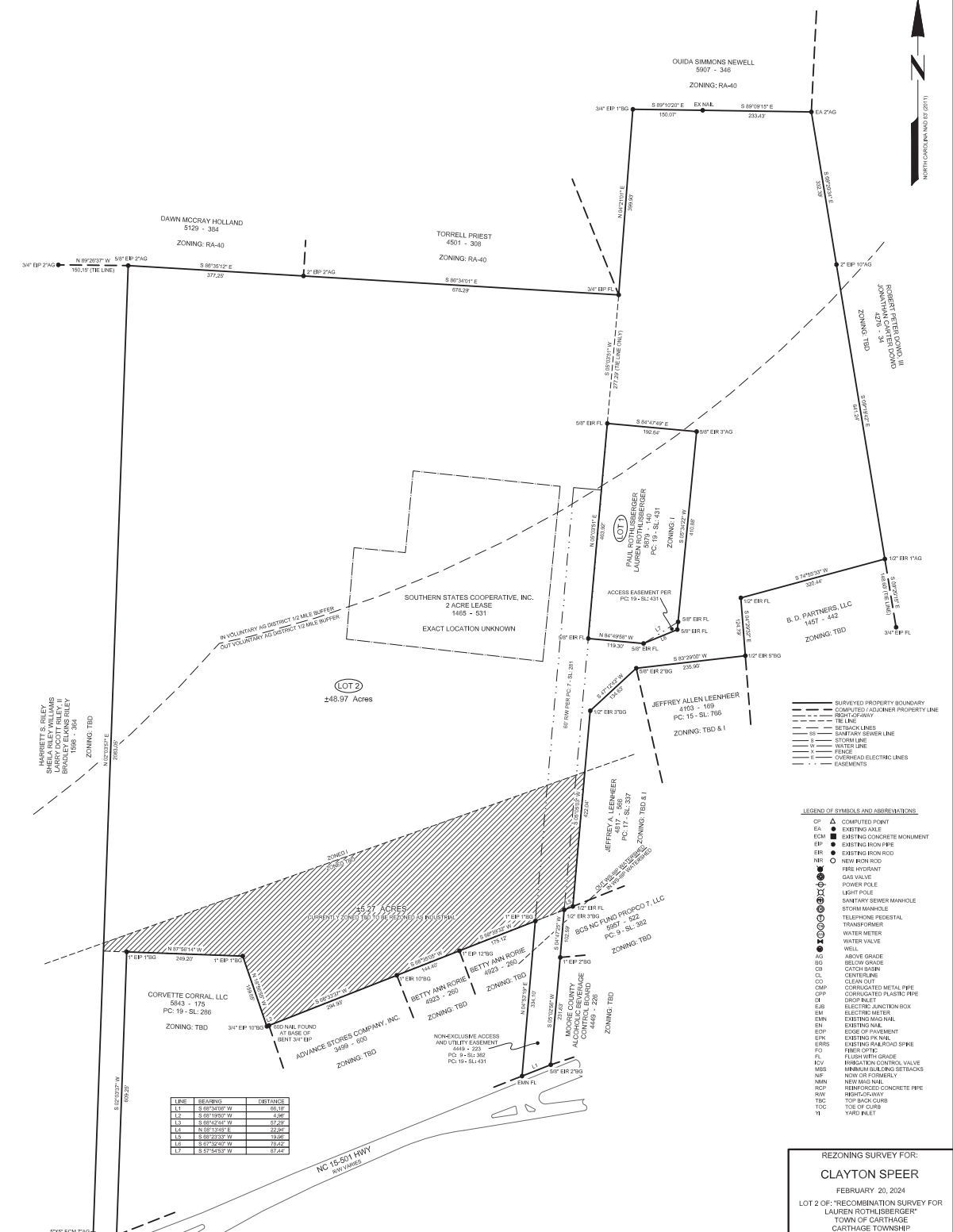
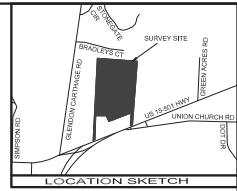
OPTION 3

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 DEED REFERENCE TABLE); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED REFERENCE TABLE; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1603).

THIS 30TH DAY OF FEBRUARY, A.D., 2024.
 PROFESSIONAL LAND SURVEYOR #14787

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES



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

0 100 200 300
 SCALE 1"=100'

REFERENCE TABLE: DEED BOOK 210, PAGE 226
 DEED BOOK 210, PAGE 227
 PLAT CARNETT 7, SHEET 281
 PLAT CARNETT 19, SHEET 411
 MOORE COUNTY REGISTRY

PROPERTY ADDRESS: 1501 HWY CARTHAGE, NC 28527
 OWNERS ADDRESS: CLAYTON SPEER PO BOX 694 CARTHAGE, NC 28527

DSZ
 LAND SURVEYING, P.L.L.C. NC 1781636
 547 E. 1750 NC HWY 1501 WEST END, NC 27391
 2024-1775

- NOTES:
- THIS PROJECT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER NCORS, MAP # 311058800, EFFECTIVE DATE 10/17/2005.
 - ACRES DETERMINED BY COORDINATE METHOD.
 - ALL LINES SURVEYED BY DDT LAND SURVEYING, PLLC ARE SHOWN BY SOLID LINES. ALL LINES NOT SURVEYED ARE INDICATED BY DASHED LINES.
 - TAX PARCEL ID: 00000913701 & 94000074
 - ZONING: EA-TBD
 - PUBLIC WATER SUPPLY WATERSHED: WSPH
 - 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 BROWN 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

**TOWN OF CARTHAGE
BOARD OF COMMISSIONERS
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 Board of Commissioners of the Town of Carthage resolves as follows:

Section 1. The Board of Commissioners 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 Board of Commissioners’ reasonings/findings for the approval or disapproval of this consistency statement based on the above selected goals.

Section 2. The Board of Commissioners 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

Jimmy Chalflinch, Mayor

Kimberly Gibson, Town Clerk