

BROADWAY PLANNING BOARD
REGULAR MEETING
MONDAY, JULY 22, 2024, 6:00 PM
Broadway Community Center, 111 N. Main Street, Broadway, N.C.

The Planning Board will attend the joint public hearings with the Broadway Board of Commissioners held in the Broadway Town Hall at 103 N. Main Street beginning at 6:00 PM and then walk across the shared parking lot to the Community Building to officially convene and make recommendations on all items on the agenda.

CALL TO ORDER – 6:00 PM (or after all of the public hearings have been held with the Commissioners)

Introduction by Chairman: The Broadway Planning Board is an advisory council on matters relating to land development and long-range planning and provides recommendations to the Broadway Board of Commissioners. All information relevant to each case should have been presented during the public hearing. The Planning Board may ask for clarification of information received during the public hearing, but may not receive new information. Recommendations made this evening will be presented to the Broadway Board of Commissioners for consideration on August 26, 2024 and action may or may not be taken at that time per the discretion of the Commissioners.

- A. APPROVAL OF AGENDA**
- B. REORGANIZATION OF BOARD** – *Election of a Chair and Vice-Chair*
- C. APPROVAL OF MINUTES** – *November 27, 2023*
- D. DISCLOSURE OF CONFLICT OF INTEREST**
- E. OLD BUSINESS** - *None*
- F. NEW BUSINESS**

PUBLIC HEARING WITH THE COMMISSIONERS TO CONSIDER THE FOLLOWING ITEMS:

1. UDO TEXT AMENDMENT, CASE 2024-0701

Consideration of a text amendment to the Unified Development Ordinance to amend Article 6 Subdivision, 6.3 Major Subdivisions, 6.3.3 Preliminary Plat to revise the period of time that a preliminary major subdivision plat shall be valid after approval from two (2) years to five (5) years to allow the applicant more time to secure other required approvals, financing, and commitments from developers/home builders prior to recording the final plat and legally creating the new lots.

2. UDO TEXT AMENDMENT; CASE 2024-0702

Consideration of a text amendment to the Unified Development Ordinance to amend Article 2 Administrative Agencies, Section 2.3.2 Powers and Duties and Article 6 Subdivision, 6.3 Major Subdivisions, 6.3.3 Preliminary Plat to revise the approval process for a preliminary major subdivision plat so that it requires staff level approval only, as opposed to Planning Board & Governing Board level approval as currently required.

3. UDO TEXT AMENDMENT; CASE 2024-0703

Consideration of a UDO Text Amendment to Allow Internally Illuminated and Changeable Copy Signage for Nonresidential Uses Permitted by Right With No Supplemental Development Regulations in Residential Zoning Districts.

- G. OTHER BUSINESS** - *None, unless added by the board*
- H. ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE
TOWN OF BROADWAY PLANNING BOARD
BROADWAY, NORTH CAROLINA**

The Town of Broadway Planning Board met for a regular meeting at 6:00PM in the Broadway Community Center at 111 N. Main Street, Broadway, N.C. 27505 on Monday, November 27, 2023.

ROLL CALL

Members Present: Tammie Adcock
 Wilson Cox, Chair
 Paul Thomas
 Justin Rosser, Vice-Chair
 Shannon Siegfried
 Sue Tipton

Members Absent: Betsy Kelly

Staff Present: Paulette Harmon, Clerk to the Board
 David Montgomery, Long Range-Transportation Planner
 Thomas Mierisch, Planner II

MEETING CALLED TO ORDER

Having noted the presence of a quorum, Chair Cox called the meeting to order and read the Introduction by Chairman statement on the agenda cover.

APPROVAL/DISAPPROVAL OF AGENDA

Chair Cox entertained a motion to approve the agenda. Vice-Chair Rosser made a motion to approve the agenda, seconded by board member Tipton and carried unanimously.

APPROVAL OF MINUTES

Chair Cox entertained a motion to approve the September 25, 2023 meeting minutes. Vice-Chair Rosser made a motion to approve the minutes, seconded by board member Tipton and carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

Chair Cox asked each board member to disclose any conflicts of interest in the matters to be considered by the board this evening. There were none.

OLD BUSINESS

None

NEW BUSINESS:

1. MAJOR SUBDIVISION PRELIMINARY PLAT, CASE 1101: LAMCO Custom Builders, LLC, is seeking approval of a preliminary plat for the third and final phase of the Willowbrook Farms subdivision. This development was originally proposed by Mr. Donald Simpson of Simpson & Simpson, and the first phase was platted in 1988, encompassing all the lots fronting

Berke Thomas Road. The second phase, encompassing most of the lots fronting Longstreet Road, was platted in 2000. This third phase will comprise the remaining 33 lots intended for single-family homes.

DISCUSSION

After an overview of the subdivision application and the information provided in the agenda packet, Chair Cox opened the floor for discussion.

Thomas Mierisch, Planner II of the Sanford/Lee County Community Development Department, read the staff report in the agenda packet and made himself available for questions.

Vice-Chair Rosser asked would the Town of Broadway be responsible for providing the water and/or sewer to serve this project. Mr. Mierisch stated no, the subdivision is proposed to be served by City of Sanford public water and by individual private septic systems.

Vice-Chair Rosser asked if the Town of Broadway would be liable to provide any needed services for the proposed major subdivision. Mr. Mierisch stated that no services will be needed nor provided by the Town of Broadway.

Chair Cox asked Mr. Mierisch if Lee County has approved the preliminary plat for the portion of the subdivision in the jurisdiction of Lee County. Mr. Mierisch replied that the Lee County Planning Board recommended that the subdivision plat be approved and the plat & recommendation will be presented to the Lee County Commissioners at their next meeting, which is the first week of December.

Chair Cox asked why the subdivision plat must be considered by the Broadway boards. Mr. Mierisch explained that a small portion of the subject property is within the Town of Broadway's ETJ; therefore, it is in Broadway's planning jurisdiction and must be considered for recommendation by the Broadway Planning Board for approval or disapproval by the Broadway Board of Commissioners.

DECISION

With no further discussion, Chair Cox opened the floor for a motion. Board member Thomas made a motion that the Planning Board recommend that the Commissioners approve the major subdivision preliminary plat. Board member Tipton seconded the motion and it carried unanimously.

OTHER BUSINESS

None

STAFF REPORTS

David Montgomery, Long Range-Transportation Planner for the Sanford/Lee County Community Development Department, presented the Actions by the Town of Broadway Board of Commissioners staff report to the board.

ADJOURNMENT

With no further business to come before the Board, the motion to adjourn was made by Vice-Chair Rosser, seconded by board member Thomas, and carried unanimously. The meeting was adjourned at 6:11P.M.

Adopted this _____ day of _____ 2024.

BY: _____
Wilson Cox, Chair

ATTEST:

Paulette S. Harmon, Clerk to the Board

This is general information provided by the Lee County Attorney for inclusion in the Lee County Planning Board agenda packet as a reference for board members as of 2022-04-18. Staff has added this information to the agenda packets for the Planning Board and Board of Adjustment for Sanford and Broadway also.

Conflict of Interest Policy Related to Land Use Decisions

Pursuant to North Carolina General Statutes 160D-1-9, the following conflict of interest policies will apply to all land use decisions coming before staff, appointed boards or the governing boards as follows:

For Governing Board Members – *Broadway Town Commissioners*

A Sanford City Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D, where the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall also not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

For Appointed Board Members – *Town of Broadway Planning Board & Board of Adjustment*

Members of the appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Further, an appointed board member shall not vote on any zoning amendment of the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

For members of any board exercising quasi-judicial functions, the member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

For Administrative Staff – *Sanford/Lee County Community Development Department Staff*

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under the UDO unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

MEMORANDUM

TO: Town of Broadway Board of Commissioners
Town of Broadway Planning Board
John Godfrey, Town of Broadway Manager

FROM: Amy J. McNeill, Senior Planner
Thomas Mierisch, Zoning Administrator

DATE: July 22, 2024

REF: UDO Text Amendment to Revise the Period of Time that a Preliminary Major Subdivision Plat is Valid after Approval from Two Years to Five Years

Introduction

Staff discussed this text amendment with the Sanford City Council at a workshop due to concern expressed by the development community regarding the two-year approval period for a preliminary major subdivision plat not being long enough to secure all of the various approvals required to develop the project (i.e. by the time the developer had secured all of the other State and/or Federal approvals, the local approval of the preliminary subdivision plat had expired). Most of the large subdivisions are within the jurisdiction of Sanford; hence, the discussion with that particular jurisdiction. The City Council was amenable to this change; therefore, staff presented it to the Joint Planning Commission (JPC) on November 9, 2023 as the first official step in the UDO text amendment process. The JPC recommended a text amendment preliminary plat extension from two years to five years as this allowed ample time to secure the needed approvals and directed staff to move forward with the public hearing process in each jurisdiction. (There was discussion regarding the appropriate amount of time needed for the extension and that there was no easily identifiable amount of time. Five years seemed to allow ample time if the project was actually going to move forward and be developed.)

In addition to the preliminary plat approval extension, the JPC included language in their recommendation that once the plat was approved, all subsequent extensions of the plat approval would be for two years. They also recommended that any preliminary plat that was approved within the timeframe of January 1, 2021 to December 31, 2023 would receive an automatic extension not to exceed five years since this text amendment would be in-the-works during the time period that these plats would expire.

City of Sanford

On November 21, 2023, Sanford held a joint public hearing with the City Council and Planning Board regarding this matter with one person from the development community speaking in favor and no one speaking in opposition. After the public hearing, the Planning Board convened for their regularly scheduled meeting and recommended a preliminary plat extension from two-years to five-years, that all subsequent plat extensions would be for two-years, and that any preliminary plat that was approved within the timeframe of January 1, 2021 to December 31, 2023 would receive an automatic extension not to exceed five years. Topics of discussion included the large

size of the new subdivisions and that more information was required from the developer in order to secure all of the various required approvals.

On December 5, 2023, the Sanford City Council considered the recommendation of the Planning Board and voted to approve this text amendment as recommended with a preliminary plat extension from two-years to **five years**, that all subsequent plat extensions would be for two years, and that any preliminary plat that was approved within the timeframe of January 1, 2021 to December 31, 2023 would receive an automatic extension not to exceed **five years**.

Lee County

On January 22, 2024, Lee County held a joint public hearing with the County Commissioners and Planning Board regarding this matter with no one speaking in favor or opposition. After the public hearing, the Planning Board convened for their regularly scheduled meeting and recommended a preliminary plat extension from two-years to five-years, that all subsequent plat extensions would be for two-years, and that any preliminary plat that was approved within the timeframe of January 1, 2021 to December 31, 2023 would receive an automatic extension not to exceed five years.

On February 5, 2024, the Lee County Commissioners considered the recommendation of the Planning Board and voted to approve the text amendment with language that differed slightly from the Planning Board recommendation. They approved a preliminary plat extension from two years to **three years**, that all subsequent plat extensions would be for two years, and that any preliminary plat that was approved within the timeframe of January 1, 2021 to December 31, 2023 would receive an automatic extension not to exceed **three years**. The Commissioners stated that three years was ample time for developer to secure all of the various required approvals.

Town of Broadway

At this time, planning staff is asking the Town of Broadway to consider this UDO text amendment as recommended by the JPC. The proposed major subdivision preliminary plat extension would be from two years to five years, with all subsequent plat extensions for two years, and any preliminary plat that was approved within the timeframe of January 1, 2021 to December 31, 2023 would receive an automatic extension not to exceed five years.

At this time, there are no major subdivisions under review within the jurisdiction of Broadway. Between January 1, 2021 and December 31, 2023, the following subdivisions were approved by Broadway and have not yet recorded final plats (i.e. may be eligible for the automatic extension):

- Willowbrooke Farms Subdivision-Phase 3, a 33-lot residential subdivision off of Berke Thomas Road with 29 lots Broadway's ETJ
- Rolling Hills Subdivision, a 220-lot residential subdivision off of Seminole Road in Harnett County with 43 lots within Broadway's ETJ.

Proposed Updates to Article 6

6.1.3 AUTHORITY AND JURISDICTION

6.1.3.1 The Planning Commission is vested with the authority to review, approve, conditionally approve, and disapprove applications for preliminary plats in accordance with NCGS § 160D-803(c).

6.3.3 PRELIMINARY PLAT

6.3.3.1 SCOPE OF APPROVAL

6.3.3.1.1 Approval of the preliminary plat by the Governing Body allow a subdivider to proceed with the preparation of the final plat.

6.3.3.1.2 Approval of the preliminary plat by the Governing Body without approved construction plans shall not constitute the necessary approval for submittal of the final plat.

6.3.3.1.3 Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Department of Community Development with all corrections within 60 days of the Governing Body's approval. Failure to return a corrected plat within this time period shall constitute a violation. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Department of Community Development.

6.3.3.1.4 The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Article.

6.3.3.1.5 The preliminary plat shall be valid for ~~two (2)~~ five (5) years after its final approval. A preliminary plat shall become void if a final plat is not approved within this time period. Final Approval of a phase or portion of a preliminary plat shall re-establish the effective date for measuring the time period of a preliminary plat approval.

6.3.3.2 REVISING APPROVED PRELIMINARY PLAT

6.3.3.2.1 Minor Amendments. The Department of Community Development shall have the authority to approve the following deviations from an approved preliminary plat:

- A change in the location of not more than ten percent (10%) of the number of lots;
- A change in the location of any part of open space acreage by not more than ten percent (10%) of the gross acreage of the proposed subdivision; or
- A change in the location of any part of proposed street alignment and lot configuration of more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained.
- Changes to within parcel boundaries which do not affect external property lines.

6.3.3.2.2 Major Amendments. All other changes to an approved Preliminary Plat that do not meet the standards of this Section shall require the filing and approval of a new Preliminary Plat.

6.3.3.3 PHASING OF PRELIMINARY PLAT

6.3.3.3.1 A preliminary plat may be approved with multiple phases where it is the intent of the landowners to proceed to final plats covering only a portion of the tract at any one time.

6.3.3.3.2 For each approved phase, the developer shall have up to ~~two (2)~~ five (5) years to submit the final plat for that respective phase.

6.3.3.3.3 The applicant may submit for an extension of the approved phase beyond the ~~two (2)~~ five (5) limit. ~~All subsequent extensions will be for two (2) years.~~ Application shall be made to the Department of Community Development ~~for forwarding and review by the Planning Commission at their next regular meeting.~~ Failure to record a plat for any phase within the aforementioned five-year period shall result in the expiration of the preliminary plat's approval. Expired preliminary plats shall not be subject to an extension of their approval, but the applicant must instead submit a new application for a preliminary plat and begin a new preliminary plat review and approval process.

6.3.3.3.1 Any plat that was approved within the years of January 1, 2021 – December 31, 2023, will receive an automatic extension not to exceed five (5) years.

MEMORANDUM

TO: Town of Broadway Board of Commissioners
Town of Broadway Planning Board
John Godfrey, Town of Broadway Manager

FROM: Amy J. McNeill, Senior Planner
Thomas Mierisch, Zoning Administrator

DATE: July 22, 2024

REF: UDO Text Amendment to Revise the Approval Process for a Preliminary Major Subdivision Plat

Introduction

Staff discussed this text amendment with the Sanford City Council at a workshop as a way to make the major subdivision preliminary plat review & approval process more efficient. Most of the large subdivisions are within the jurisdiction of Sanford; hence, the discussion with that particular jurisdiction.

Currently, a major subdivision preliminary plat is reviewed by the Sanford/Lee County/Broadway Technical Review Committee (TRC) to verify compliance with the UDO subdivision regulations and all applicable policies/regulations and then the Planning Board reviews the plat and makes a recommendation, which is presented to the Governing Board for a vote.

Staff is proposing to allow all new major subdivision preliminary plats to be reviewed for compliance with the UDO subdivision regulations and/or associated site plan specific conditional zoning standards by the TRC and then also approved by the TRC. The plat would NOT be placed on a Planning Board agenda for a recommendation, nor would the Governing Boards consider the Planning Board recommendation and vote on the plat. If the existing zoning allows the development of the site in the manner proposed and the subdivision design complies with the UDO subdivision regulations, the TRC would review and approve it.

State law allows subdivision regulation final decisions on preliminary plats and final plats to be made by any of the following: (1) The governing board (Commissioners); (2) The governing board (Commissioners) on recommendation from a designated body (Planning Board); or (3) a designated planning board, technical review committee of local government staff members, or other designated body or staff person. No public hearing is required for review & approval of a subdivision plat.

The authority to grant “subdivision exceptions” to allow an exception to the standards of the subdivision regulations where extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, would transition from the Commissioners (with a Planning Board recommendation) to the Zoning Administrator. This type of exception may only

be approved when substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations.

The City Council was amenable to this change; therefore, staff presented it to the Joint Planning Commission (JPC) on November 9, 2023 as the first step in the UDO text amendment process. The JPC recommended that the text amendment stating that if the existing zoning allows the development of the site in the manner proposed and the subdivision design complies with the UDO subdivision regulations, the TRC would review and approve it (with no review by the Planning Board and/or City Council) and that the Zoning Administrator would now approve any requests for “subdivision exceptions”. They included language asking that the boards receive a monthly report regarding plat approvals and subdivision exceptions so that they are aware of new major subdivisions.

City of Sanford

On November 21, 2023 Sanford held a joint public hearing with the City Council and Planning Board regarding this matter with one person from the development community speaking in favor and no one speaking in opposition. After the public hearing, the Planning Board convened for their regularly scheduled meeting and recommended approval of the text amendment stating that if the existing zoning allows the development of the site in the manner proposed and the subdivision design complies with the UDO subdivision regulations, the TRC will review and approve it (with no review by the Planning Board and/or City Council), the boards would receive a monthly report regarding plat approvals and subdivision exceptions so that they are aware of new major subdivisions, and the Zoning Administrator would now approve any requests for “subdivision exceptions”. Topics of discussion included that it always seemed awkward that they were reviewing a plat that they really could not recommend it be denied if it complied with the UDO development standards and that this would increase the efficiency of the review/approval process for plats.

On December 5, 2023, the Sanford City Council considered the recommendation of the Planning Board and voted to approve the text amendment stating that if the existing zoning allows the development of the site in the manner proposed and the subdivision design complies with the UDO subdivision regulations, the TRC would review and approve it (with no review by the Planning Board and/or City Council), the boards would receive a monthly report regarding plat approvals and subdivision exceptions so that they are aware of new major subdivisions, and the Zoning Administrator would now approve any requests for “subdivision exceptions”.

Lee County

On January 22, 2024, Lee County held a joint public hearing with the County Commissioners and Planning Board regarding this matter with no one speaking in favor or opposition. After the public hearing, the Planning Board convened for their regularly scheduled meeting and recommended to approve the text amendment stating that if the existing zoning allows the development of the site in the manner proposed and the subdivision design complies with the UDO subdivision regulations, the TRC will review and approve it (with no review by the Planning Board and/or County Commissioners), the boards would receive a monthly report regarding plat approvals and

subdivision exceptions so that they are aware of new major subdivisions, and that the Zoning Administrator would now approve any requests for “subdivision exceptions”. Topics of conversation included that it is rare for this board to ask a developer to make design changes if the design complies with the UDO (for example, adding a fence along a property line that the developer may or may not agree to) and that the board may not be aware of design features that are a constant issue with developers if they are not reviewing “subdivision exceptions”.

On February 5, 2024, the Lee County Commissioners considered the recommendation of the Planning Board and voted to deny the text amendment and to keep the current procedure in place for the review and approval of major subdivision preliminary plats, which is as follows: (a) the plat is reviewed by the TRC to verify compliance with the UDO subdivision regulations and all applicable policies/regulations; (b) then the Planning Board reviews the plat and makes a recommendation; and (c) the Planning Board recommendation is presented to the Commissioners for a vote. In making this decision, the Commissioners discussed that the existing review and approval procedure seemed more citizen friendly since the information regarding a proposed subdivision would be included within the Planning Board and Commissioner’s agenda packets, which are available for viewing by the public, even though a public hearing is not required.

Town of Broadway

At this time, planning staff is asking the Town of Broadway to consider this UDO text amendment as recommended by the JPC stating that if the existing zoning allows the development of the site in the manner proposed and the subdivision design complies with the UDO subdivision regulations, the TRC would review and approve it (with no review by the Planning Board and/or City Council), the boards would receive a monthly report regarding plat approvals and subdivision exceptions so that they are aware of new major subdivisions, and the Zoning Administrator would now approve any requests for “subdivision exceptions”.

Proposed Updates to Article 2

2.3.2 POWERS AND DUTIES.

Each Planning Board shall provide an advisory function to their respective Governing Body and assist in making decisions pertaining to amendments to the Comprehensive Plan and this Ordinance, and applications for development approval. In no event is the Board authorized to render a final decision approving, denying or conditionally approving a change in the zoning ordinance, or to render a final decision on an application for development approval. The Board shall have the following powers and duties:

- the preparation of a comprehensive plan or other long-range planning document for the respective jurisdiction;
- To prepare or cause to be prepared amendments to such plan and elements thereof and to submit the amendments for the respective jurisdiction;
- To initiate, hear, review and make recommendations to the respective governing body on applications for amendments to the text of this Ordinance or the Official Zoning Map;
- ~~To hear, review and recommend approval or disapproval of applications for preliminary subdivision plat approval, in accordance with the rules and regulations established herein; and~~
- To adopt bylaws, policies, procedures and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Board provided, however, that bylaws, policies, procedures and regulations shall be consistent with this Ordinance before taking effect.

Proposed Updates to Article 6

6.1.3 AUTHORITY AND JURISDICTION

6.1.3.1 The ~~Planning Commission~~ **Technical Review Committee** is vested with the authority to review, approve, conditionally approve, and disapprove applications for preliminary plats in accordance with NCGS § 160D-803(c).

6.3.3 PRELIMINARY PLAT

6.3.3.1 PURPOSE

The preliminary plat application involves an examination of the proposal in much greater detail than at the sketch plat stage, since this stage determines whether the project will be approved, and if so, the conditions that will be required. Preliminary plat approval is the key discretionary decision-making point in the approval process. The applicant is required to submit, as applicable, detailed information as to all aspects of the development, including street layout, preservation of natural site features, and recreational and parking facilities, in order to assure that the decision-makers and all parties interested in the project have the opportunity to review all significant facets of the project.

6.3.3.2 APPLICABILITY

Approval of a Preliminary Plat is required for any tract where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a Preliminary Plat for the property has been approved.

6.3.3.3 INITIATION

After the Department of Community Development has approved a sketch plat for a major subdivision, then the subdivider may file an application for approval of a preliminary plat. The application shall be filed with the Department of Community Development.

6.3.3.4 DECISION

- (a) After the application for preliminary plat approval is certified as complete, the Department of Community Development shall place the plat on the agenda of the next regularly-scheduled meeting of the ~~appropriate local Planning Board~~ **Technical Review Committee**.
- (b) The Department of Community Development shall refer copies of the plat and any accompanying material to those public officials and agencies concerned with new development, including, but not limited to, the building inspector, **the appropriate jurisdiction's Fire Marshal, the appropriate jurisdiction's Public Works Department,** Lee County Health Department, Lee County School Board, the district engineer of the North Carolina Department of Transportation, the appropriate county soil conservation

service office, and any consulting engineer retained by the Jurisdiction, for review and recommendation. Such agencies may review and comment as to whether the application satisfies the requirements of this Ordinance or any other requirements of state or federal law applicable to subdivision plats. A preliminary plat shall not be placed on the ~~local Planning Board Technical Review Committee~~ agenda until it has been deemed complete by the Department of Community Development.

(c) The ~~Planning Board~~ Technical Review Committee shall review and take action on each preliminary plat. The ~~Planning Board~~ Technical Review Committee shall approve, disapprove, or conditionally approve the application for a preliminary plat subject to the following:

- Approval shall be noted on at least two copies of the preliminary plat. One (1) copy shall be retained by the Community Development Department, and one (1) copy shall be given to the subdivider.
- If the preliminary plat is disapproved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the ~~local Planning Board~~ Department of Community Development, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.
- If the preliminary plat is conditionally approved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the ~~planning commission~~ Department of Community Development, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is conditionally approved, the subdivider may make the recommended changes and submit a revised preliminary plat to the Zoning Administrator or his/her designee for review.
- A timely decision of the ~~Planning Board~~ Technical Review Committee to approve, disapprove, or conditionally approve the application for a preliminary plat shall be considered final ~~and shall be referred to the appropriate Governing Body for review.~~

(d) ~~The preliminary plat shall then be transmitted to the Governing Body for consideration at their next regular meeting. A timely decision of the Governing Body to approve or disapprove, the application for a preliminary plat shall be considered final.~~ For preliminary plats that require a subdivision exception pursuant to § 6.3.6 of this Ordinance, the Technical Review Committee shall only provide an initial review. Final review and approval of a preliminary plat with a subdivision exception, however, shall be determined by the Zoning Administrator or his/her designee.

6.3.3.5 SCOPE OF APPROVAL

6.3.3.5.1 Approval of the preliminary plat by the ~~Governing Body~~ Technical Review Committee shall allow a subdivider to proceed with the preparation of the final plat.

6.3.3.5.2 Approval of the preliminary plat by the ~~Governing Body~~ **Technical Review Committee** without approved construction plans shall not constitute the necessary approval for submittal of the final plat.

6.3.3.5.3 Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Department of Community Development with all corrections within 60 days of the Governing Body's approval. Failure to return a corrected plat within this time period shall constitute a violation. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Department of Community Development.

6.3.3.5.4 The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Article.

6.3.3.5.5 The preliminary plat shall be valid for ~~two (2)~~ **five (5)** years after its final approval. A preliminary plat shall become void if a final plat is not approved within this time period. Final Approval of a phase or portion of a preliminary plat shall re-establish the effective date for measuring the time period of a preliminary plat approval.

6.3.3.6 REVISING APPROVED PRELIMINARY PLAT

6.3.3.6.1 Minor Amendments. The Department of Community Development shall have the authority to approve the following deviations from an approved preliminary plat:

- A change in the location of not more than ten percent (10%) of the number of lots;
- A change in the location of any part of open space acreage by not more than ten percent (10%) of the gross acreage of the proposed subdivision; or
- A change in the location of any part of proposed street alignment and lot configuration of more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained.
- Changes to within parcel boundaries which do not affect external property lines.

6.3.3.6.2 Major Amendments. All other changes to an approved Preliminary Plat that do not meet the standards of this Section shall require the filing and approval of a new Preliminary Plat.

6.3.3.1 PHASING OF PRELIMINARY PLAT

6.3.3.1.1 A preliminary plat may be approved with multiple phases where it is the intent of the landowners to proceed to final plats covering only a portion of the tract at any one time.

6.3.3.1.2 For each approved phase, the developer shall have up to ~~two (2)~~ **five (5)** years to submit the final plat for that respective phase.

6.3.3.1.3 The applicant may submit for an extension of the approved phase beyond the ~~two~~ ~~(2)~~ five (5) limit. All subsequent extensions will be for two (2) years. Application shall be made to the Department of Community Development ~~for forwarding and review by the Planning Commission at their next regular meeting.~~ Failure to record a plat for any phase within the aforementioned five-year period shall result in the expiration of the preliminary plat's approval. Expired preliminary plats shall not be subject to an extension of their approval, but the applicant must instead submit a new application for a preliminary plat and begin a new preliminary plat review and approval process.

6.3.3.1.4 Any plat that was approved within the years of January 1, 2021 – December 31, 2023, will receive an automatic extension not to exceed five (5) years.

6.3.6 SUBDIVISION EXCEPTIONS

6.3.6.1 Subdivision exceptions shall be available only for Major Subdivisions in conjunction with the application for Preliminary Plat approval pursuant to § 6.3.3.4(d) of this Ordinance.

6.3.6.2 Where the ~~Planning Board and Governing Body~~ Zoning Administrator or his/her designee finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations.

6.3.6.3 All such exceptions shall be approved by the Zoning Administrator or his/her designee ~~Governing Body, upon recommendation from the Planning Board,~~ as part of the preliminary plat approval.

MEMORANDUM

TO: Town of Broadway Board of Commissioners
Town of Broadway Planning Board
John Godfrey, Town of Broadway Manager

FROM: Amy J. McNeill, Senior Planner
Thomas Mierisch, Zoning Administrator

DATE: July 22, 2024

REF: UDO Text Amendment to Allow Internally Illuminated and Changeable Copy Signage for Nonresidential Uses Permitted by Right in Residential Zoning Districts

Introduction

Staff was instructed to draft this proposed revision to the UDO sign regulations by the Lee County Planning Board. It was prompted by the denial of a sign variance by the Lee County Board of Adjustment (BOA) for a church requesting to replace an existing monument sign with a new internally illuminated monument sign with changeable copy. The standards for a variance were not met (i.e., the church did not prove that they had an unnecessary hardship as required per state law), but the BOA felt that allowing internally illuminated signage by right, along with changeable copy, for a church in a residential zoning district was reasonable; therefore, they asked that the Planning Board consider recommending this change to the signage regulations. The Planning Board agreed that this was a reasonable amendment and instructed staff to draft this proposed revision to the UDO sign regulations for consideration by the Joint Planning Commission (JPC), which reviewed the information and directed staff to move forward with the public hearing process. The JPC review included legal counsel for all three jurisdictions who advised that allowing this option for all nonresidential uses that are permitted by right within the residential zoning districts, as opposed to just churches, was the more legally sound option.

The proposed revision would amend Article 11 – Sign Regulations, Table 11-4 Standards for Sign Characteristics to permit signs with “Internal Illumination” and “Changeable Copy” for nonresidential uses that are permitted by right (as denoted with a “P” in Table 4.6-1 Permitted Uses Table) within the residential zoning districts (RA, RR, R-20, R-14, R-12, R-10, R-6, MF-12, PUD and TND).

There are existing development standards in other sections of Article 11 that regulate permanent signage with regard to the uses allowed to have signage, the maximum number of signs allowed on a property, the types of signs allowed, the maximum height, etc. which would still be applicable for signage. This amendment simply allows signs for non-residential uses permitted by right within the zoning districts listed to have two characteristics that they are currently not allowed to have.

The Residential Single-family (R-20) and Residential-Mixed districts of R-14, R-12, R-10, R-6, MF-12 are typically found in Sanford. The other “R” zoning districts listed are typically found in Lee County and Broadway, with the number denoting the minimum lot size. MF-12 is the multi-

family zoning district with a maximum of 12 units per acre and is typically found in Sanford. There are currently no PUD or TND zoning districts within Lee County, Sanford, or Broadway.

General examples of nonresidential uses permitted in residential zoning districts include religious complexes (churches), schools, botanical gardens & arboreta, and parks/playgrounds/athletic fields operated on a noncommercial basis. Please note that residential uses include multi-family dwellings (apartments, condos, etc.) and have been interpreted to also include those uses listed under the “Accommodations and Group Living” land use category of Article 4 of the UDO.

Specific information regarding nonresidential land uses permitted by right with no supplemental development regulations in residential zoning districts and the type of signage that they would be allowed to have, is provided below for your reference.

Under the Arts, Recreation & Entertainment category

- “Botanical garden & arboreta” are permitted by right in the Residential Agricultural (RA) zoning district, which is typically found in the jurisdiction of Lee County. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.
- “Parks, playgrounds & athletic fields operated on a noncommercial basis” is permitted by right in all zoning districts. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.

Under the Education, Public Administration, Health Care, and Institutional category

- “Religious complex (less than 350 seats), new site” is permitted by right in all zoning districts. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.
- “Religious complex (more than 350 seats), new site” is permitted by right in all zoning districts. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.
- “Religious complex (any size), addition to existing complex/site” is permitted by right in all zoning districts. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.
- “Schools, Pre-K (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site” are permitted by right in all zoning districts. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.
- “Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)”. There is no signage for utility infrastructure.

Under the General Sales & Service category:

- “Repair of any goods, equipment, or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district”. The only manufacturing use allowed in a residential zoning district is pottery manufacturing & sales. It is permitted in the Residential Agricultural (RA) zoning district, which is typically found in the jurisdiction of Lee County.

Under the Industrial & Manufacturing Uses category:

- “Pottery manufacturing & sales” is permitted in the Residential Agricultural (RA) zoning district, which is typically found in the jurisdiction of Lee County.
For your reference, the existing potteries within Sanford, Lee County, and Broadway are:
 - 1.) DK Clay at 1214 Hawkins Avenue, zoned Light Industrial (LI) and within the corporate limits of the City of Sanford; therefore, changeable copy signage with internal illumination is already allowed.
 - 2.) North Cole Pottery at 626 N. Horner Blvd, zoned Residential-Mixed R-12 and within the corporate limits of the City of Sanford. This business is a home occupation because the business is in an enclosed attached garage and within the corporate City limits. A home occupation is listed under “Residential Uses”; therefore, this sign regulation would not be applicable. Home occupations are limited to one sign of 4sf in area that is mounted flush against the wall of the home and cannot be illuminated.
 - 3.) AV Smith Pottery at 599 Pottery Lane off of Buckhorn Road, zoned Residential Agricultural (RA) and within the jurisdiction of Lee County. This pottery is at the end of a long dirt road. Off premise signage is not allowed; therefore, they would not be allowed to place a sign at the public road where it would be most effective with attracting attention.

In general, pottery manufacturing & sales are not the type of business that typically would want an internally illuminated sign with electronic changeable messages. However, if a stand-alone pottery shop (not a home occupation, which in RA may be either in the home or in an accessory building) in the RA zoning district had public road frontage and did want this type of sign, they would be allowed to have one that is 40sf in area and 8ft tall.

Under the Agriculture category

- “Animal production and support services (unincorporated Lee County)”. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.
- “Livestock sales & markets” is permitted in the Residential Agricultural (RA) zoning district, which is typically found in the jurisdiction of Lee County. They would be allowed to have this type of signage, one per public road frontage, that is 40sf in area and 8ft tall.

Lee County

On August 21, 2023, Lee County held a joint public hearing with the County Commissioners and Planning Board regarding this matter with no one speaking in favor or opposition. After the public hearing, the Planning Board convened for their regularly scheduled meeting and recommended approval of the text amendment to allow “Internal Illumination” and “Changeable Copy” for non-residential uses permitted by right with no supplemental development in residential zoning districts as presented. Topics of discussion included that this type of signage may not be appropriate for rural areas and may be a distraction for drivers.

On September 18, 2023, the Lee County Commissioners considered the recommendation of the Planning Board and voted to approve the text amendment as recommended to allow “Internal

Internal Illumination” and Changeable Copy” for non-residential uses permitted by right. (There were no supplemental development standards added.)

City of Sanford

On October 17, 2023, Sanford held a joint public hearing with the City Council and Planning Board regarding this matter with no one speaking in favor or opposition. After the public hearing, the Planning Board convened for their regularly scheduled meeting, tabled their recommendation and directed staff to research ways to regulate the brightness of the signage since it was proposed to be allowed in residential zoning districts.

The Planning Board reconvened on November 21, 2023 to receive the following additional information from staff regarding development standards that may be recommended for internally illuminated and changeable copy signage, including Electronic Changeable Message Signs (ECMS), for nonresidential uses permitted by right in residential zoning districts:

- 1) ECMS shall be located on-premise only.
- 2) One (1) ECMS sign permitted per lot.
- 3) The minimum duration of message display is 8 seconds.
- 4) Any transition shall be 2 seconds or less.
- 5) Brightness levels shall be automatically adjusted to be 0.3 foot candles above ambient light levels.
- 6) Measurement shall be taken from 150 feet away for signs ≤ 40 square feet.
- 7) Automatic dimmers to maintain brightness measurements are required. Light levels shall be confirmed by the applicant and submitted to the Department of Community Development in writing prior to approval of the sign.
- 8) Signs that flash, strobe, make noise or show pyrotechnics (animated) are not permitted.

The board took this information into consideration and recommended approval of the text amendment to allow “Internal Illumination” and Changeable Copy” for non-residential uses permitted by right with the development standards noted above as items 1-8. They discussed that the existing development standards regulate permanent signage with regard to the uses allowed to have signage, the maximum number of signs allowed on a property, the types of signs allowed, the maximum height, etc. and that treating all nonresidential uses the same was challenging.

On December 5, 2023, the Sanford City Council considered the recommendation of the Planning Board and voted to approve this text amendment as recommended to allow “Internal Illumination” and Changeable Copy” for non-residential uses permitted by right in residential zoning districts with the supplemental development standards noted above as items 1-8.

Town of Broadway

At this time, planning staff is asking the Town of Broadway to consider this UDO text amendment as recommended by the JPC, which is to allow “Internal Illumination” and Changeable Copy” for non-residential uses permitted by right. If the boards are agreeable to this amendment, they will also need to consider if the amendment should be with or without supplemental development standards.

TOWN OF BROADWAY PUBLIC NOTICE

Notice is hereby given that the Town of Broadway Board of Commissioners and Planning Board will hold joint public hearings on Monday, July 22, 2024 at the Broadway Town Hall at 103 N. Main Street, Broadway, N.C. The Boards will consider three (3) text amendments to the to the jointly adopted City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO). The hearings will begin at 6:00 p.m. or as soon thereafter as deemed practical by the Board. The proposed UDO text amendment are described below:

1. UDO TEXT AMENDMENT, CASE 2024-0701

Consideration of a text amendment to the Unified Development Ordinance to amend Article 6 Subdivision, 6.3 Major Subdivisions, 6.3.3 Preliminary Plat to revise the period of time that a preliminary major subdivision plat shall be valid after approval from two (2) years to five (5) years to allow the applicant more time to secure other required approvals, financing, and commitments from developers/home builders prior to recording the final plat and legally creating the new lots.

2. UDO TEXT AMENDMENT; CASE 2024-0702

Consideration of a text amendment to the Unified Development Ordinance to amend Article 2 Administrative Agencies, Section 2.3.2 Powers and Duties and Article 6 Subdivision, 6.3 Major Subdivisions, 6.3.3 Preliminary Plat to revise the approval process for a preliminary major subdivision plat so that it requires staff level approval only, as opposed to Planning Board & Governing Board level approval as currently required.

3. UDO TEXT AMENDMENT; CASE 2024-0703

Consideration of a UDO Text Amendment to Allow Internally Illuminated and Changeable Copy Signage for Nonresidential Uses Permitted by Right With No Supplemental Development Regulations in Residential Zoning Districts.

The public is cordially invited to attend. For those wishing to speak during the public hearing, it is required that the speaker sign up prior to the public hearing in the lobby of the Broadway Town Hall; planning staff will be present to facilitate this sign-up requirement. Written comments may be emailed to the Broadway Town Clerk at Clerk@BroadwayNC.com or dropped off at the Broadway Town Hall at 103 N Main Street during normal business hours, Monday-Friday from 8:00am to 5:00pm. Written comments should include the name and physical address of the person who wrote the comments so that this may be entered into the record during the public hearing. Written comments will be accepted until 4:00pm on Monday, June 24th. The written comments will be read at the public hearing.

Information regarding this rezoning request and text amendment will be posted on the Town of Broadway website at <http://broadwaync.com>. Should you have any questions, please contact Amy McNeill, Senior Planner for the Sanford/Lee County Community Department via email at amy.mcneill@sanfordnc.net, via phone at (919) 718-4656, ext. 5397 or during normal business hours at 115 Chatham Street, Suite 1, Sanford, NC 27330. Upon request and with 24-hour notice, the Town will provide an interpreter for the hearing impaired or any other type of auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

By Renee Saville, Clerk
Town of Broadway Board of Commissioners