



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
PLANNING AND ZONING BOARD MEETING**

**December 12, 2023
6:00 PM**

AGENDA

1. CALL TO ORDER

A. PUBLIC PARTICIPATION VIA ZOOM

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person.

The public has the option to join the meeting virtually via the Zoom platform using the following link:
Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://us02web.zoom.us/j/82922934233?pwd=UUUVbHlWenglYStOUUVmVWdtZXllQT09>

Passcode: 249745

Or join by phone:

312.626.6799

301.715.8592

Or One tap mobile:

+13052241968,,82922934233#,,, *249745# US

+13092053325,,82922934233#,,, *249745# US

B. AGENDA ADOPTION

C. SPECIAL PRESENTATIONS

D. PUBLIC COMMENT - Anyone wishing to address the Board may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature.

2. CONSENT AGENDA

A. Minutes from the November 14, 2023 meeting

3. OLD BUSINESS

4. NEW BUSINESS

A. Staff Training - Conventional Versus Conditional Zoning

5. STAFF UPDATES/INFORMATION

A. Project Update

6. ADJOURNMENT

Vision Statement

Harrisburg will be a distinctive, family-focused community where memories are made.

Mission Statement

Together, we enhance our quality of life by collaborating, planning, and investing to create our community of choice.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Minutes from the November 14, 2023 meeting

Presenting Personnel:

Zachary Gordon, Planning Director

Suggested Motion or Action:

Motion to approve minutes of the November 14, 2023 Planning and Zoning Board meeting, as presented.

Description/Background:

Minutes of the November 14, 2023 Planning and Zoning Board meeting are attached.

Recommendation:

Staff recommends approval.

Fiscal Impact:

N/A

Attachments:

1. PZ MINS NOV 14 2023

**TOWN OF HARRISBURG, NORTH CAROLINA
PLANNING & ZONING BOARD MEETING
TUESDAY, NOVEMBER 14, 2023
6:00 PM**

MINUTES

1. CALL TO ORDER

Kevin Schaffner called the meeting to order.

PRESENT: Kevin Schaffner, Kevin Hutchins, Monica Long, Bill Leake, Faith Silva, Jessica Fava, Keziah Hubler (ex officio)

STAFF: Zac Gordon, Planning Director, Shelley DeHart, Assistant Planning Director, Carly Bedgood, Planning Technician

A. AGENDA ADOPTION

Monica Long made a motion to adopt the agenda as presented. The second was made by Kevin Hutchins.

The motion passed 6-0.

B. SPECIAL PRESENTATIONS

C. PUBLIC COMMENT

None

2. CONSENT AGENDA

A. Consider adoption of minutes from the October 17, 2023, Planning and Zoning Board meeting.

MOTION: Kevin Hutchins made a motion to approve the minutes, second was made by Jessica Fava. **The motion passed 6-0.**

3. OLD BUSINESS

A. H-2023-04 TA: UDO text amendment of Sections 140.04.07 and 140.04.08 associated with Food Trucks and other Temporary Uses.

Shelley DeHart went over the modifications that were requested by the Board from the Board's last meeting. Portable on-site storage will be allowed a 14-day grace period before a temporary permit is required; relocate the exemption sub-section toward the end; clarifying that an exemption may be granted with a valid building permit and offer applicants the ability to request a time extension beyond the 90-day period.

Staff was also asked to modify the permitted temporary use table **140.04.08A** to reflect:

-Contractor's office allowed by TUP vs. Special Use Permit

-Sidewalk vendor was removed except for a special event-town sponsored or granted permission by town

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PLANNING & ZONING ADVISORY BOARD MEETING MINUTES
NOVEMBER 14, 2023**

- Time between temporary use permits on the same site was previously 90-day and is now 30 days
- Food Truck use maximum of 3 consecutive days

The Board discussed the changes made by staff and all agree that the modifications that were made all match up to the goals of the Town and reinforce the image and brand of the town. Board member Keziah Hubler would like the language modified on the generator requirement; the new language will state:

140.04.08.B Standards

#6. The use of renewable or cleaner energy sources for example (solar, battery, propane) in conjunction with Food Trucks within the Town are encouraged.

MOTION:

Kevin Hutchins made a motion to approve H-2023-04-TA to amend Section 144.04.07 and 140.04.08 of the UDO proposing to establish and enhances regulations associated with Food Trucks and other Temporary Uses recommending approval to the Town Council noting that we approved the one that was provided in the Board packet, with the changes we have made this evening. The second was made by Kevin Schaffner. **The motion passed unanimously 6-0.**

The following **Consistency Statement** was presented to the Board for its consideration:

The proposed text amendment is consistent with Sections 145.01.07 & 145.03.01 of UDO and with the HALUP. It establishes and/or enhances performance standards associated with mobile food vending, and other temporary uses found within these sections, to reflect our community's vision for quality and reduce the potential for adverse impacts. It promotes goals of the Harrisburg Area Land Use Plan (HALUP) in the area of fostering economic development by supporting incubation and growth of entrepreneurial/start-up businesses, encourages a mixture of land-uses, and establishes performance standards to protect the community's vision.

MOTION:

Monica Long made a motion to approve the proposed **Consistency Statement** with a second from Kevin Hutchins. **The motion passed 6-0.**

4. NEW BUSIENSS

A. Training – Billboard Regulations.

Shelley DeHart shared that the Town has received a request to amend the UDO specifically to allow the conversion of a static billboard sign to a digital sign. In preparation of the upcoming text amendment, staff presented an overview focused on Billboard regulations. The presentation included the history of billboards, the various levels of regulations for billboards (Federal, State and Local agencies), and a review of Town regulations.

After the presentation, a general discussion ensued focusing on:

1. Design criteria and performance standards associated with billboard signs such as height, illumination, and size.
2. Safety for motorists.

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3. Community appearance and compatibility.
4. Amortization
5. Message control

The board requested the following additional information:

- Review of other jurisdiction's billboard regulations that are similar in size.
- Safety Studies on the use of digital billboards.
- Amortization information
- Copy of the presentation and resource links.

5. STAFF UPDATES/INFORMATION

- The next meeting date is December 12th.
- We are set to have our record year of single-family home permit numbers.
- Next year will be an update for the HALUP. Looking at growth productions, what do we look like going forward?
- Zac invited the Planning Board to the Economic Development Workshop that will be held at Town Hall on December 7th and 8th. This is not open to the public.
- Project list will be sent out again soon to all members of the Board.

6. ADJOURNMENT

MOTION: There being no further business, Kevin Hutchins made a motion to adjourn, with a second from Jessica Fava. **The motion passed 6-0.**

Adopted on the 12th of December 2023

Kevin Schaffner, Chairman

Carly Bedgood, Secretary



TOWN OF HARRISBURG

Agenda Item Details

Title:

Staff Training - Conventional Versus Conditional Zoning

Presenting Personnel:

Shelley DeHart, Assistant Planning Director

Suggested Motion or Action:

None

Description/Background:

One of the many duties to be carried out by the Planning & Zoning Board is to hear and consider zoning cases. There are generally two types of zoning approaches that result in either a conventional zoning district or a conditional zoning district. Staff will provide an overview of the zoning map amendment process focused on these two types of zoning districts that includes special considerations for the board when considering each petition type.

Recommendation:

None

Fiscal Impact:

None

Attachments:

1. Staff Report Rezone



Town of Harrisburg
Planning and Zoning Department
Staff Report for Planning and Zoning Board Training

DATE: December 12, 2023

SUBJECT: Conventional versus Conditional Zoning

Staff Report Prepared by: Shelley DeHart, AICP
Assistant Planning Director

BACKGROUND:

The Planning & Zoning Board is responsible for making recommendations to the Town Council concerning plans, policies, ordinance and zoning amendments related to development and land use. This staff report will focus on zoning map amendments (a.k.a: “rezonings”) - specifically conventional and conditional rezonings.

What is a zoning map amendment? ([N.C.G.S 160D-102](#))

A zoning map amendment is an amendment to a zoning regulation (e.g., UDO) for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

What is the process for a zoning map amendment?

Zoning map amendments are legislative decisions and are required to follow state law regarding notice, hearing, and process. ([Adam Lovelady published topic paper](#)). The Town’s process regulations can be found within [Section 145.03](#) of the UDO.

The state law (NCGS 160D-605) requires that zoning map amendment decisions include a “Statement of Consistency”. This Statement of Consistency can indicate that the zoning map amendment is either “consistent,” or “not consistent” with the adopted comprehensive plan – for Harrisburg this would be the [Harrisburg Area Land Use Plan \(HALUP\)](#). 160D also requires a “Statement of Reasonableness” to be adopted with the



Statement of Consistency. The governing board (i.e., “Town Council”) is not bound by the comprehensive plan and may approve a zoning map amendment which is “inconsistent” with the adopted comprehensive plan. However, if such action is taken, the “Future Land Use Map” (which is found in the HALUP) for the Town will be considered amended consistent with the adopted zoning map amendment.

What are the types of zoning districts?

There are generally five different types of zoning districts ([160D-703](#)):

1. Conventional: a variety of uses are allowed by right and by special use permit.
2. Conditional: a site plan and conditions of zoning approval are imposed on the property. Think of them as a “custom designed” zoning district.
3. Form-based districts
4. Overlay Districts: an added layer of land use or development regulations on top of the base zoning district.
5. Districts allowed by Charter.

Zoning districts found within Harrisburg are primarily conventional and conditional (CZ). The town zoning map can be found at this [link](#). Zoning districts that have a “CZ” prior to the zoning classification are conditional zoning districts.

Conventional vs Conditional Zoning

What is a conventional zoning district?

Conventional zoning districts are referred to as “base” districts within the Town’s UDO. These districts identify uses that are permitted by right, subject to supplemental standards (limited), or subject to a public hearing for a special use permit (SUP). All of the base districts can be found in [Table 140.01.03-1](#) of the UDO. Each district outlines the permitted land uses and performance standards such as setback, height, density, building bulk and massing, parking, and often other use specific standards.

Board Considerations of Conventional Rezoning Petitions

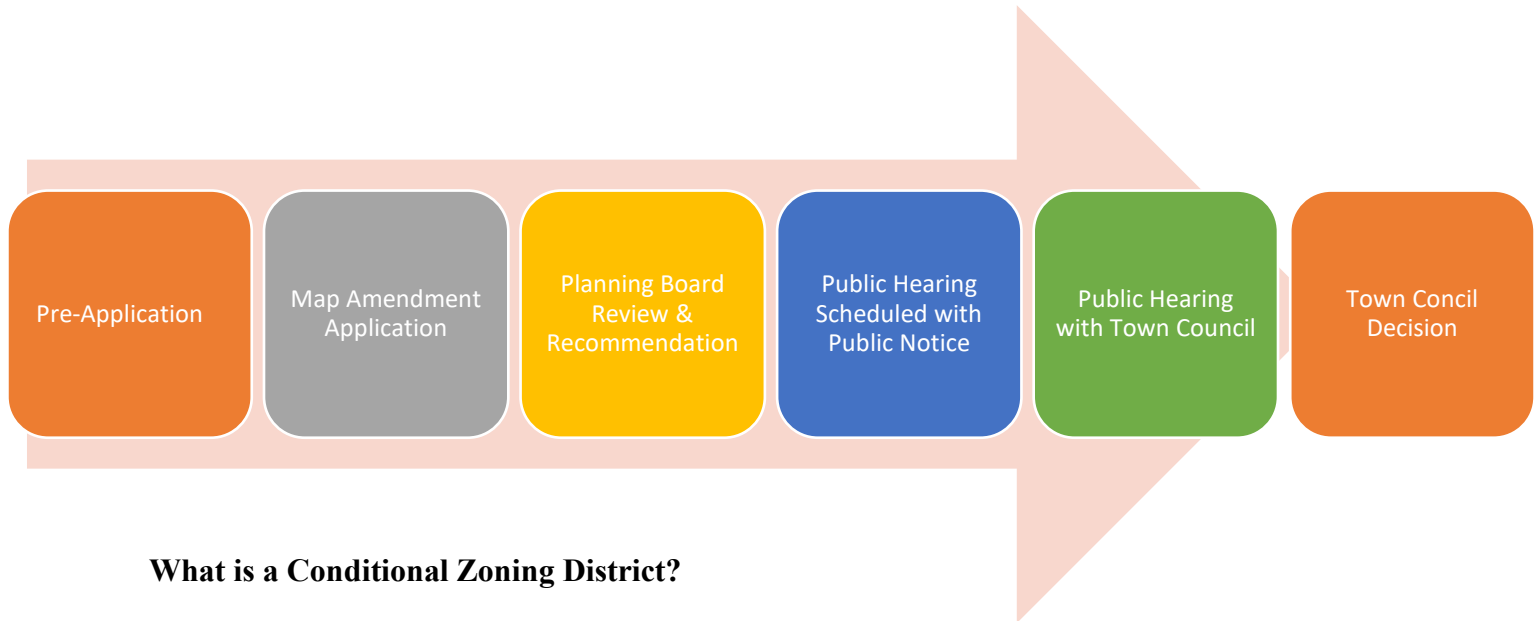
When the board considers a conventional rezoning petition it important to remember that:

1. All the potential uses listed under the zoning classification shall be considered (and would be permitted) if the rezoning is approved.
2. A conventional zoning amendment cannot be conditioned (i.e., include restrictions on the uses allowed, or other limits on these uses) in any way.
3. Any site plan or testimony presented by the petitioners should not be considered in the decision because there is no way to condition or restrict the district.
4. Any development that does occur within a conventional district (or base district) is still required to comply with all the development regulations within the Town Ordinances.



The process for a conventional rezoning is outlined below:

CONVENTIONAL ZONING PROCESS



What is a Conditional Zoning District?

[Conditional zoning districts](#) are a combination of a base zoning district attached to a specific site plan that allows certain land uses to be permitted, but only under certain conditions. This type of district provides all impacted parties (town, neighboring property owners, and developer) a degree of certainty in land use decisions not possible when rezoning to a general district. [Additional standards](#) (conditions) may be attached during the process to ensure compatibility with surrounding uses and adopted plans. These conditions added on to the project, however, must be agreed to by the applicant.

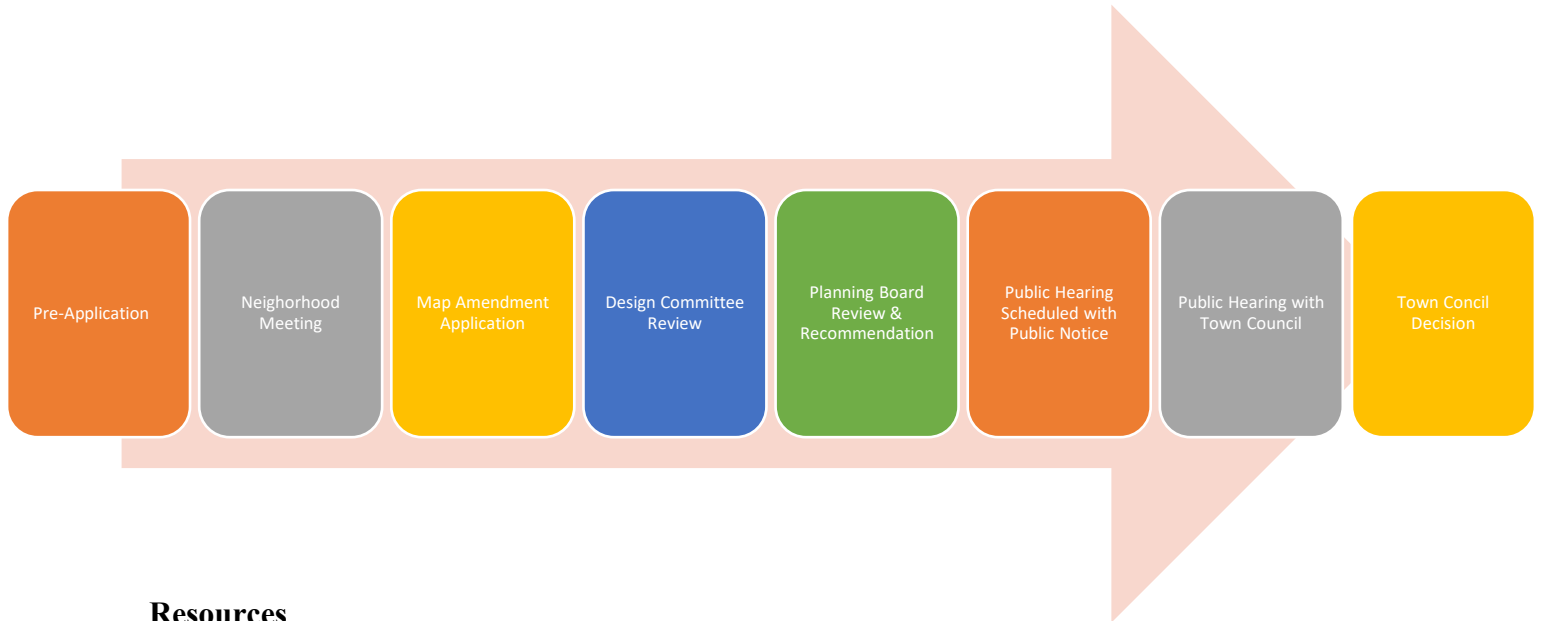
Board Consideration of Conditional Rezoning Petitions

1. Conditions may be applied to the conditional zoning petition; however, it requires mutual consent (Town & Applicant), and must be incorporated into the zoning regulations (approval documents).
2. There are limits to the conditions that can be attached to the district. A town may not require or enforce conditions that are not authorized, such as impact fees, and they must be reasonable.
3. Unlike a conventional zoning district, development and use on the subject site is limited to the details of the approved conditional zoning district.
4. Subsequent to adoption, a conditional site plan may be administratively modified for minor adjustments pursuant to the Town's UDO. All other proposed modifications such as change in approved conditions, major site plan modification, or additions or subtraction of land within the approved district require a new conditional zoning petition (i.e., review by the Planning and Zoning Board and approval by the Town Council).



The process for a conditional rezoning is outlined below:

CONDITIONAL ZONING PROCESS



Resources

https://www.sog.unc.edu/sites/www.sog.unc.edu/files/5_Conditional_Zoning_160DGuidanceDoc%20Jan%202021_1.pdf

<https://www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019>

<https://online.encodeplus.com/regs/harrisburg-nc/doc-viewer.aspx#secid-3607>

https://www.sog.unc.edu/sites/default/files/full_text_books/ss24.pdf

https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_160D/Article_6.pdf