



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

**April 15, 2025  
6:00 PM**

**AGENDA**

**1. CALL TO ORDER**

**A. PUBLIC ACCESS TO LIVE MEETING VIA YOUTUBE**

Harrisburg Town Hall's Council Chambers will be open for the public to attend the meeting in person. The public has the option to watch the meeting virtually via the YouTube platform using the link below or attend in person.

**All persons wishing to address the Board for public comment or speak to a specific agenda item must be present in person.**

<https://www.youtube.com/@HarrisburgNC/streams>

**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**

**3. OLD BUSINESS**

**4. NEW BUSINESS**

**A. H-2025-01-TA - Request to Amend Various Sections of the UDO**

**5. STAFF UPDATES/INFORMATION**

**6. ADJOURNMENT**

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**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.

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## TOWN OF HARRISBURG

### Agenda Item Details

**Title:**

H-2025-01-TA - Request to Amend Various Sections of the UDO

**Presenting Personnel:**

Shelley DeHart, Assistant Planning Director

**Suggested Motion or Action:**

**Motion to:**

- Recommend to Approve, Approve with Modification, or Disapprove H-2025-01-TA- Amendment of Various Sections of the UDO to the Town Council; and
- Find the proposed text amendment consistent, or inconsistent with the applicable criteria of Section 145.01.07 and 145.03.01 of the UDO, and consistent with the goals of the HALUP in the areas of Land Use & Development Design.

**Description/Background:**

This is a request to amend Sections 145.01.05 and 145.03.02 of the Unified Development Ordinance (UDO). The purpose of the amendment is to clarify the process for application withdrawals, request for special studies or analysis by a third party, and rental cost of special venues when needed to accommodate public attendance.

**Recommendation:**

**Receive the staff report, public comment, and motion to:**

Recommend Approval of H-2025-01-TA, as presented, to the Town Council and make the required findings for consistency with the HALUP.

**Fiscal Impact:**

None

**Attachments:**

1. H-2025-01-TA Various Chapters PB Staff Report
2. Attachment A\_ Section 145.01.05 Draft
3. Attachment B\_ Section 145.03.02 Draft



Planning and Zoning Department

**Staff Report – Town Council  
H-2025-01-TA: Various Chapters**

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**DATE:** April 4, 2025

**SUBJECT:** **H-2025-01-TA:** Various Chapters of the Unified Development Ordinance (UDO). Request to amend various Chapters of the UDO for the purpose of correction, clarification, or adding regulations.

**Applicant:** Staff Text Amendment

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

**Neighborhood Meeting:** N/A

**APPLICATION SUMMARY:**

- Staff is proposing the modification of Sections 145.01.05 and 145.03.02 of the UDO. The intent behind this proposed action is to:
  - Add specific language related to the application withdrawal process.
  - Add language related to the Town’s request for third-party analysis to determine application completeness and cost responsibilities when associated with project review. This may include third-party analysis or venue change to accommodate public attendance.
- These proposed amendments are recommended by staff and found to be consistent with the criteria outlined in Section 145.01.07 (Common Decision Criteria) of the UDO and the goals of the Harrisburg Area Land Use Plan (HALUP).

**STAFF ANALYSIS**

This is the fourth in a series of proposed text amendments planned for the Town’s Unified Development Ordinance (UDO). These amendments will vary from minor edits to the full rewrite of Chapters. A number of these amendments are developed as the result of added “conditions of approval” placed on conditional zonings applications, changes in Town policy, staff identified issues that affect implementation of the codes, or changing conditions in land use or technology. This request is the first of many that will be processed over the coming year as we undertake a comprehensive update of the UDO.

## AMENDMENTS

### Section 145.01.05 – Application Submittal and Completeness:

- **B. Forms and Fees:** Additional language is proposed clarifying that additional fees may apply when specialized studies or analysis is required, a larger venue is needed to accommodate the public meeting attendees, or additional security is needed.

**B. Forms and Fees.** Every development review application required by this UDO shall be submitted in a format and in numbers established by the Director and shall include the corresponding application fee that is established by the [Town Council](#). Refer to the Town's [Development Guidebook](#) for application forms, fees, and submittal content requirements. Additional fees may apply to projects that require special third-party studies, rental of public meeting venues to accommodate community attendance size, or enhanced security at the public meeting. All additional fees will be identified and paid for by the applicant prior to the Town entering into contract for said services.

- **H. Meaning of Completeness:** Additional language is proposed identifying that additional requested information for application completion determination may come in the form of a third-party special study or analysis to be paid for by the applicant.

4. *Additional Information.* Any additional information resulting from the pre-application conference, neighborhood meeting, or that is necessary to demonstrate compliance with all of the applicable requirements of this UDO. Any third-party special studies or analysis required to demonstrate compliance requested by the Town shall be paid for by the applicant. Said consultant shall be contracted by the Town after a scoping meeting is held with the consultant and the Town, and after said scope agreement has been signed by the applicant.

- **M. Withdrawal of Application:** Language is proposed creating a process for application withdrawal subject to a public hearing and clarifying approval of said request prior to and after public hearing notification.

**M. Withdrawal of Application.** The applicant may withdraw an application not subject to a public hearing at any time by submitting a written request to the Director or as identified below. Withdrawal will result in the forfeiture of all [Town](#) fees paid by the applicant for the processing of the application.

1. Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Director or shall be made through a verbal request at the public hearing for which the application has been scheduled.

a. Prior to notice of public hearing. The Director shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application.

b. Subsequent to notice of public hearing. If the request for withdrawal of an application is submitted subsequent to public notification the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.

- **N. Successive Applications:** The UDO currently requires a 12-month waiting period between successive applications when an application has been denied at a public meeting or public hearing unless the Director finds there is new and different evidence that was not reasonably available at the time of the original hearing, or the application has substantially changed from the original. Staff is proposing to include language to expand the 12-month waiting period to withdrawn application after the public hearing notice.

**N. Successive Applications.** The Director shall not accept any application ~~requiring~~ that is substantially similar to an application that was denied at a public ~~meeting or~~ hearing ~~12 months prior,~~ or an application that was withdrawn after the public hearing notice was issued as required in Section 145.01.08. In either case, the Director shall not accept an application within 12 months of the public hearing or withdrawal date. However, the Director may accept such an application within that time period if he or she finds there is new and different evidence that was not reasonably available at the time of the original hearing or that the application has substantially changed from the original.

**Section 145.03.02 – Zoning Map Amendment:** This section is proposed to be modified to be consistent with the proposed changes of Section 145.05.05 as outlined above.

**L. Subsequent Applications.** In the event that an application for a Zoning Map Amendment is denied by the Town Council or that application withdrawn after the hearing, or after the public hearing notice, the Director shall refuse to accept another application for the same amendment within one year of the original hearing. However, this Section shall not limit the powers of the Town Council and/or Planning and Zoning Board to initiate a Zoning Map Amendment. This Section also shall not limit the Director to accept a Zoning Map Amendment within that time and may consider such an application if it finds the application is substantially different from the original application.

#### **PLANNING AND ZONING BOARD CONSIDERATION:**

The Planning and Zoning Board review of text amendments is outlined in Section 145.03.01 of the UDO. The Board shall consider the **applicable** common decision criteria in 145.01.07, together with the following:

1. **Errors.** The amendment is necessary to correct an error or inconsistency in the UDO; or *This amendment is necessary to add language consistent with Town policy.*
2. **Changing Conditions:** The amendment is necessary to meet the challenge of a changing condition that was not anticipated in the HALUP. *The text amendment further the goals of the HALUP under Land Use and Development Design as it relates to the development process.*

#### **Applicable Common Decision Criteria:**

1. The amendment promotes the purposes of the UDO as found in Section 144.01.02 as follows:
  - a. Comprehensive Plan (HALUP) – The amendment furthers the goals associated with Land Use & Development Design through its development review process.
  - b. Public Health & Safety – This amendment focuses on development processing.
  - c. Quality of Life – The amendment supports implementation of development regulations and associated processes to ensure the quality of life in Harrisburg is upheld.
  - d. Economic Development – The amendment clarifies project and permit processes that promote economic development in the community.
2. The proposed text amendment includes clarification development regulations and associated processes aimed at protecting public health and welfare by reducing future conflicts between land uses.
3. This text amendment application follows the required meeting and public hearing process as outlined in the UDO.
4. The proposed amendment furthers the implementation goals of the HALUP.

**RECOMMENDED ACTIONS:** Receive the report, public comment, and render a recommendation to approve, approve with modifications, or disapprove the text amendment to Town Council.

**Attachment A** – Section 145.01.05

**Attachment B** – Section 145.03.02

**145.01.05 Application Submittal and Completeness**

- A. Applications Requiring Applications Submittal.** All development review applications are required to undergo the application submittal process.
- B. Forms and Fees.** Every development review application required by this UDO shall be submitted in a format and in numbers established by the Director and shall include the corresponding application fee that is established by the Town Council. Refer to the Town's Development Guidebook for application forms, fees, and submittal content requirements. Additional fees may apply to projects that require special third-party studies, rental of public meeting venues to accommodate community attendance size, or enhanced security at the public meeting. All additional fees will be identified and paid for by the applicant prior to the Town entering into a contract for said services.
- C. Authorization to Initiate an Application.** Table 145.01.05-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

Table 145.01.05-1, Application Authorization			
Application Type	Town Council or Planning and Zoning Board	Property Owner <sup>1</sup>	Party Aggrieved by an Administrative Decision <sup>1</sup>
Administrative Applications (§ 145.02)		◆	
Legislative Applications (§ 145.03)	◆ <sup>2</sup>	◆	
Quasi-Judicial Applications (§ 145.04)		◆	◆
Subdivision Applications (§ 145.05)		◆	
TABLE NOTES: ◆ Entity may initiate an application <sup>1</sup> Including his or her agent <sup>2</sup> Excluding a Conditional Zoning Approval application. Only the <u>property owner</u> or agent may initiate such application.			

- D. Refunds.** Fees for a rejected, denied, expired, voided, or revoked application are not refundable.
- E. Deadlines.** The Director may establish periodic application submittal deadlines. The schedule shall provide adequate time for notice and/or publication. Completed applications shall be filed according to any published schedule of the Planning Department.
- F. Applications Requiring Completeness Review.** All development review applications are required to undergo completeness review.
- G. Director Responsibility.** The Director shall review all development review applications for completeness.
- H. Meaning of Completeness.** The Director shall deem complete a submittal that contains:
  1. *All Information.* All of the submittal information required in the application form;
  2. *Certifications.* Documents or drawings that are prepared and certified by qualified professionals (where such certifications are required);
  3. *Fee.* The application fee; and
  4. *Additional Information.* Any additional information resulting from the pre-application conference, neighborhood meeting, or that is necessary to demonstrate compliance with all of the applicable requirements of this UDO. Any third-party special studies or analysis required to demonstrate compliance requested by the Town shall be paid for by the applicant. Said consultant shall be contracted by the Town after a scoping meeting is held with the consultant and the Town, and after said scope agreement has been signed by the applicant.
- I. Applications with Submittal Deadlines.** For application types that have an established submittal deadline, such as legislative, quasi-judicial, or subdivision applications, the completeness review and notification required in Paragraph L, *Incomplete Applications*, below, shall be accomplished no later than 15 business days after the specified submittal deadline.
- J. Applications without Submittal Deadlines.** For application types that do not have an established submittal deadline, such as administrative applications, the application completeness review and notification required in Paragraph L, *Incomplete Applications*, below, shall be accomplished no later than 10 business days from the date the application is submitted.
- K. Completeness Does Not Equate to Approval.** A determination of completeness does not mean that:
  1. *Accuracy.* The contents of the submittal are accurate or that they comply with the standards of this UDO;
  2. *Recommendation.* The application will receive a positive recommendation or final decision from the applicable administrative body; or

3. *Clarification.* During review, additional clarification or information will not be needed.

**L. Incomplete Applications.**

1. *Director Duties.* If the Director determines that a submittal is not to be complete, the Director shall:

- a. Notify the applicant in writing with a list of all missing or incomplete items; and
- b. Provide a maximum of 45 calendar days for the applicant to resubmit the missing or incomplete items.

2. *Rejection.* If the missing or incomplete items are not submitted within the 45-day period, the Director shall deem the application rejected, shall not accept the application for filing, and shall make the submittal and application fee available to the applicant for retrieval. After the Director rejects an application, a new application and fee shall be required if the applicant wishes to apply again.

3. *Not Considered Submitted.* Incomplete or rejected applications are not considered "submitted" or "filed" for the purposes this UDO. Complete applications are considered submitted on the date the Director deems them complete.

4. *Submittal of Corrections.* Corrected and submitted applications are not considered complete and submitted until the next available processing cycle deadline. For example, if a submittal deadline is on Monday, May 1, and a corrected application is submitted on May 5, then the application is deemed submitted and complete on the following submittal deadline of May 15, occurring every 15 days as established by the Director.

**M. Withdrawal of Application.** The applicant may withdraw an application not subject to a public hearing at any time by submitting a written request to the Director or as identified below. Withdrawal will result in the forfeiture of all Town fees paid by the applicant for the processing of the application.

1. Any request for withdrawal of an application subject to a public hearing shall be submitted in writing to the Director or shall be made through a verbal request at the public hearing for which the application has been scheduled.

a. Prior to notice of public hearing. The Director shall approve a request for withdrawal of an application if it has been submitted prior to public notification of the application.

b. Subsequent to notice of public hearing. If the request for withdrawal of an application is submitted subsequent to public notification the request for withdrawal shall be placed on the public hearing agenda and acted upon by the decision-making body.

**N. Successive Applications.** The Director shall not accept any application requiring that is substantially similar to an application that was denied, at a public meeting or hearing 12 months prior, or an application that was withdrawn after the public hearing notice was issued as required in Section 145.01.08. In either case, the Director shall not accept an application within 12 months of the public hearing or withdrawal date. However, the Director may accept such an application within that time period if he or she finds there is new and different evidence that was not reasonably available at the time of the original hearing or that the application has substantially changed from the original.

**O. Continuing Review Process.** Complete applications shall subsequently undergo the processes established in Section 145.01.06, Staff Review and Distribution.

### 145.03.02 Zoning Map Amendment

- A. Applicability.** A Zoning Map [Amendment](#) changes the [zoning district](#) of a [property](#) on the Official Zoning Map from one district to another.
- B. Specific Review Criteria.** In determining whether to approve, approve with conditions, or deny a Zoning Map Amendment, the review bodies shall consider the applicable common decision criteria in [145.01.07](#), *Common Decision Criteria*, together with the following:
- Whether:
    - The proposed [rezoning](#) is compatible with the surrounding area, or the adopted [Harrisburg Area Land Use Plan](#) (HALUP);
    - There will be adverse effects on the [capacity](#) or safety of the portion of [street](#) network influenced by the Zoning Map Amendment;
    - Parking problems; or
    - Environmental impacts that the new use will generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other [nuisances](#).
  - Any change of character in the area due to installation of [public facilities](#), other Zoning Map Amendments, new growth trends, deterioration, and [development](#);
  - The zoning districts and existing land uses of the surrounding properties;
  - Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning district;
  - Whether subject property has sufficient dimensions to accommodate reasonable development that complies with the requirements of this UDO, including parking and buffering requirements;
  - Whether the Zoning Map Amendment is compatible with the [adjacent](#) neighborhood, especially residential neighborhood stability and character;
  - The length of time the subject property has remained vacant as zoned.
  - Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; and
  - Whether the existing zoning was in error at the time of adoption.
- D. Timing of [Town Council Hearing](#).** After the Planning and Zoning [Board](#) makes a recommendation, the Town Council shall hold a hearing in no more than sixty [days](#) from the date of the Planning and Zoning Board meeting and decide to approve or deny the Zoning Map Amendment. Comments by the Planning and Zoning Board that a proposed amendment is inconsistent with the HALUP shall not preclude the Town Council from considering or approving any proposed amendment. Conditions may be imposed to an approved rezoning only if a conditional zoning district is approved pursuant to Section [145.03.03](#), *Conditional Zoning Approval*.
- E. Statement of Consistency With HALUP.** Prior to adopting or rejecting any Zoning Map Amendment the Town Council shall adopt a statement describing whether its action is consistent with the HALUP and explaining why the Council considers the action taken to be reasonable and in the [public](#) interest.
- F. Additional Conditions.** A request for a Zoning Map Amendment may be conditional upon adherence to an applicant's Development Plan, which may limit the uses on or design of the site in accordance with [140.04.05](#), *Conditional Zoning*.
- G. Concurrent Processing of [Variances](#) and [Special Use Permits](#).** An [applicant](#), at the time of filing an application for a Zoning Map Amendment, may elect to have any necessary Variances or Special Use Permits for the subject property be heard and acted upon in concurrence, provided Town Council approves the Zoning Map Amendment prior to the Variance or Special Use Permit being granted for the property. In acting on a Variance or Special Use Permit, the Town Council shall have the authority and operate under the requirements of the Board of Adjustment.
- H. Limitations of Map Amendment.** The approval of a Zoning Map Amendment does not authorize any development activity.
- I. Scope of Approval.** If the desired use is permitted by right, the applicant may file a [Site Plan](#) (if required by Section [145.02.02](#), *Minor Site Plan*, or [145.02.03](#), *Major Site Plan*) and, if no site plan is required, an application for a [Zoning Clearance](#) and any other administrative permits required by this Chapter.
- J. Extraterritorial Jurisdiction (ETJ).** If the Zoning Map Amendment is being proposed in conjunction with an expansion of the Town's ETJ under NCGS §[160D-202](#), a single hearing on the Zoning Map Amendment and the ETJ boundary amendment may be held. In this instance, the initial notice of the Zoning Map Amendment hearing

may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

- K. Optional Notice for Large-Scale Zoning Map Amendments.** The first-class mail notice required in Section [145.01.08, Public Notice](#), is not required if the Zoning Map Amendment proposes to change the zoning district of more than 50 properties, owned by at least 50 different property [owners](#), and the [Town](#) elects to use the expanded published notice provided for in this subsection. In this instance, the Town may instead elect to publish notice of the hearing as required by NCGS §[160D-601](#), provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the first-class mail requirements of provisions of Section [145.01.08, Public Notice](#).
- L. Subsequent Applications.** In the event that an application for a Zoning Map Amendment is denied by the Town Council or that application withdrawn after the hearing, [or after the public hearing notice](#), the Director shall refuse to accept another application for the same amendment within one year of the original hearing. However, this Section shall not limit the powers of the Town Council and/or Planning and Zoning Board to initiate a Zoning Map Amendment. This Section also shall not limit the Director to accept a Zoning Map Amendment within that time and may consider such an application if it finds the application is substantially different from the original application.