

PLANNING BOARD MEETING

Wednesday, July 5, 2023

6:00 PM

City Hall Council Chambers

300 West Crowell Street

Monroe, NC

Agenda

- Item 1.** **Call to Order – Roll Call**
- Item 2.** **Pledge of Allegiance and Moment of Silence**
- Item 3.** **Annexation of 117.129 acres and a zoning map amendment for the properties located along Weddington Road and Red Maple Drive and further identified as tax parcel #'s 09-348-010, 09-348-011, 09-348-033, 09-348-034, & 09-348-035. The request is to annex and rezone the properties from R-20 (Union County Residential Low Density) to Conditional District (CD) “Wildwood”.**
- Item 4.** **Zoning Text Amendment to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Existing Agreements or Vested Rights* and Section 3.4.8: *Vested Rights Certificate*.**
- Item 5.** **Zoning Text Amendments to the Code of Ordinances- Title XV: Land Usage, Chapter 157, Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use*.**
- Item 6.** **Zoning Text Amendment to Code of Ordinances- Title XV: Land Usage, Chapter 157 Section 3.3.4: *Planning Board (PB)*.**
- Item 7.** **Next Meeting: August 2, 2023**
- Item 8.** **Adjournment**

ATTENTION BOARD MEMBERS:

**Please contact Ashlyn Penegar at 704.282.4527 or Lisa Stiwinter at 704.282.4569 to confirm your attendance.
Thank you.**

cc: **Planning Staff
Ashley Britt
Richard Long**



STAFF REPORT

TO: Planning Board Members

DATE: July 5, 2023

FROM: Lisa Stiwinter, Director of Planning & Development

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Annexation and Zoning Map and Text Amendment request for Conditional District “Wildwood” (Parcel ID #'s: 09-348-010, 09-348-011, 09-348-033, 09-348-034, & 09-348-035)

SUMMARY STATEMENT

The Planning Board is requested to consider the annexation of 117.129 acres and a zoning map amendment for the properties located along Weddington Road and Red Maple Drive and further identified as tax parcel #'s 09-348-010, 09-348-011, 09-348-033, 09-348-034, & 09-348-035. The request is to annex and rezone the properties from R-20 (Union County Residential Low Density) to Conditional District (CD) “Wildwood”.

REVIEW

Century Communities is requesting to annex 117.129 acres and a conditional district rezoning in order to develop a residential subdivision that will consist of 262 single-family detached homes. The total area of the project is 117.129 acres, with 47.55 acres or 40.59% of that reserved as common open space. The density of this project is 2.23 units per acre. This application is being processed under the previous ordinance since the project was submitted prior to the adoption of the current ordinance.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Residential & Vacant	R-20 (County) & RA-20 (County)
East	Residential & Vacant	R-20 (County)

South	Residential	R-20 (County)
West	Residential & Institutional	R-20 (County) & Residential Low Density (RLD) City of Monroe

Proposal

The applicant is requesting a conditional district rezoning in order to develop a residential subdivision that will consist of 262 single-family detached homes. The development will provide a mix of lot widths. The total area of the project is 117.129 acres, with 47.55 acres or 40.59% of that reserved as common open space. The density of this project is 2.23 units per acre.

The development will have the following lot sizes:

- 40-foot wide: 78 lots with rear loaded garages
- 60-foot wide: 139 lots with front loaded garages
- 75-foot wide: 45 lots with front loaded garages

REQUIREMENTS

Density & Dimensional Standards

Lot Widths	Lot Totals	Minimum Lot Size	Average Lot Size
40 foot	78	4,800 square feet	5,180 square feet
60 foot	139	7,500 square feet	8,880 square feet
75 foot	45	12,000 square feet	16,750 square feet
Total	262		

The data below is simply to provide the board with information to compare the proposed density being requested to what is allowed by the zoning ordinance in other residential districts in Monroe.

Zoning District	Maximum Allowable Density
RMD	3 units/acre by-right; 4 units/acre clustering
RLD	2 units/acre
RR	1 unit/acre

The minimum setbacks proposed are as follows:

Front: 20 feet

Side: 5 feet

Corner Lot Side: 10 feet

Rear: 20 feet

Landscaping

Street trees will be provided at a rate of at least one (1) tree per lot and corner lots will be provided with at least two (2) street trees. All houses will have at least one (1) yard tree per lot. All trees planted will be a minimum of two (2) inches in caliper measured six (6) inches above grade. A minimum of a 30-foot landscape buffer is being provided around the entire perimeter of the project and a 50-foot landscape buffer is being provided adjacent to properties within the

Willoughby Woods neighborhood. The buffer shall remain vegetated and additional plantings shall only be required where buffer is disturbed by grading or no existing vegetation is present. Easements through the buffer will not be planted.

Open Space

The project, under the previous code, is required to provide at least 12.5% open space, which would equal 14.64 acres. The total area of open space provided is 47.55 acres or 40.59%. The open space for this project may include but is not limited to the following features: pool and cabana, tot lot, grilling stations, open play areas, fire pit, benches and landscape areas.

Elevations

The developer is proposing the homes will be a minimum of 1,400 heated square feet for the 40-foot wide lots, 1,300 heated square feet for the one (1) story homes on the 60-foot & 75-foot wide lots and 1,600 heated square feet for the two (2) story homes on the 60-foot & 75-foot wide lots. The proposed exterior building materials will include fiber cement, stone, stucco, and/or brick. Vinyl will only be used for trim work. Four courses of brick/brick veneer will extend up the face of the slab. The developer is proposing the front façade to consist of at least 25% brick or stone.

Parking

Each home will have a minimum of a two (2) car attached garage. All front load garages will have carriage style trim and/or hardware that mimics carriage style doors. Driveways will be paved and will be able to accommodate at least two (2) vehicles. All of the 40-foot wide lots will have rear load garages that are accessed by an alley.

Sidewalk

A five-foot (5) wide sidewalk will be provided along both sides of the interior roads throughout the development and an eight-foot (8) wide sidewalk will be provided along Weddington Road.

Stormwater

The applicant will be required to provide stormwater management to treat the stormwater runoff for the project. The stormwater will be evaluated and reviewed, if the project is approved by City Council, at the building permit stage of the process. The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and actual site discharge points. At the time of site plan submittal, site will meet stormwater management requirements in accordance with Chapter 159 Stormwater Management Ordinance of the Monroe Code of Ordinances.

Stream Buffer

All streams located on the site have been provided with a 50 ft. undisturbed stream buffer on both sides as required by the ordinance.

Schools

Wildwood subdivision is a proposed 262-single family unit development located on the north side of Hwy 84 and east of Rocky River Road. It is located within the following school attendance areas:

Rocky River Elementary School	Currently at 77% of rated capacity
Monroe Middle School	Currently at 85% of rated capacity
Monroe High School	Currently at 72% of rated capacity

Transportation

The proposal includes one entrance on Weddington Road and one internal connection to the existing Willoughby Woods subdivision on Red Maple Drive. The developer is proposing for the project to have publicly maintained streets by the City of Monroe. The streets will be constructed and inspected to the City of Monroe street standards. A traffic impact study was completed for this project and was reviewed by both the City of Monroe Engineering Department and the North Carolina Department of Transportation (NCDOT). The required transportation improvements for the project are as follows:

Access 1: Weddington Road (NC 84) and Megan Court

- Construct an eastbound left-turn lane along Weddington Road with 150 feet of Storage into the proposed project.
- Construct a westbound left-turn lane along Weddington Road with 100 feet of Storage on to Megan Court.
- Construct a westbound right-turn lane along Weddington Road with 100 feet of Storage into the proposed project.

Weddington Road and Martin Luther King Jr. Boulevard

- Modify the traffic signal for westbound right-turn phasing to incorporate permissive-overlap.

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Use and Transportation Plan indicates this area is Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods.

The proposed project is consistent with the Land Use and Transportation Plan. The project is a reasonable use and in the public interest, because it continues similar residential uses in the area.

PUBLIC NOTIFICATION

The applicant held a virtual neighborhood meeting on December 15, 2021 and an in person neighborhood meeting on January 6, 2022 to discuss the project with local residents.

A follow up neighborhood meeting was held on January 19, 2023 to further discuss the project with the surrounding community.

A rezoning notification sign will be posted 10 days prior to the public hearing.

Official rezoning notification letters will be sent to the adjacent property owners located within at least 150 feet, 10 days prior to the public hearing.

RECOMMENDATION

Planning staff recommends approval of the annexation and rezoning to Conditional District “Wildwood”.

Planning Board will need to take action on the following items:

Recommendation on Annexation:

- *Motion to recommend Approving annexation request*
OR
- *Motion to recommend Denying annexation request*

Recommendation on Land Use and Transportation Compliance:

- *Motion to recommend adoption of Resolution Approving Land Use and Transportation Plan Compliance* **OR**
- *Motion to recommend adoption of a Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution at a later date.*

If the Resolution of Land Use and Transportation Plan Compliance is recommended for approval, the Planning Board will also need to make the following motion:

- *Motion to recommend adoption of the Ordinance amending section 157.1.2.1- Official Zoning Map.*

If the Resolution of Land Use and Transportation Plan Compliance is recommended for denial, the Planning Board will also need to make the following motion:

- *Motion to recommend denial of the zoning map amendment.*

Attachments:

Attachment 1-Ortho Map
Attachment 2-Annexation Plat
Attachment 3-Zoning Map
Attachment 4-Site Plan & Elevations
Attachment 5-Future Land Use Map
Attachment 6-FLUM Description
Attachment 7-R-2023-xx Approval

Attachment 8-R-2023-xx Disapproval
Attachment 9-O-2023-XX Section 157.1.2.1
Attachment 10-O-2023-XX Section 157.1.3.1

Ortho Map

Case #: PLANXA 2022-00034

Legend

- Centerlines
- City Limits
- streams
- Parcels

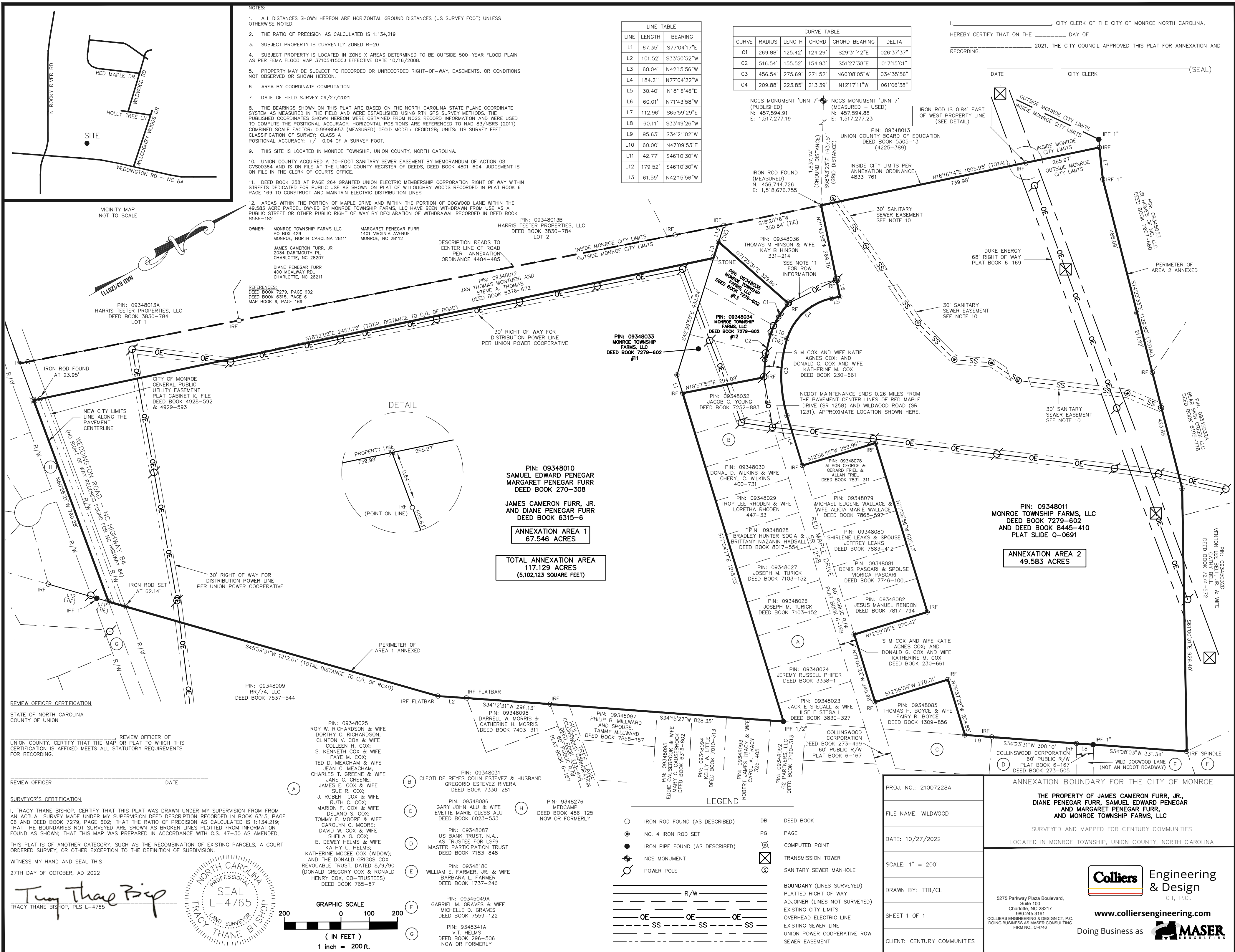
Existing: Union County R-20

Owner: Monroe Township
Farms, LLC & James Furr

Acres: 117.129



0 580 1,160
Feet



NOTES:

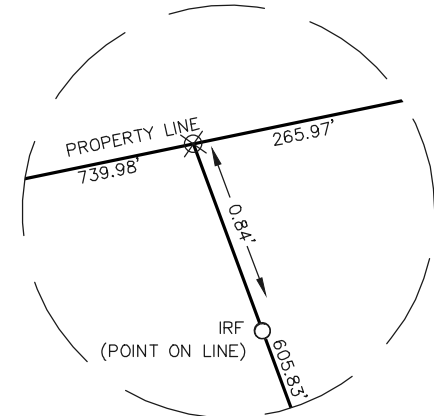
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES (US SURVEY FOOT) UNLESS OTHERWISE NOTED.
- THE RATIO OF PRECISION AS CALCULATED IS 1:134,219
- SUBJECT PROPERTY IS CURRENTLY ZONED R-20
- SUBJECT PROPERTY IS LOCATED IN ZONE X AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN AS PER FEMA FLOOD MAP 3710541500J EFFECTIVE DATE 10/16/2008.
- PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAY, EASEMENTS, OR CONDITIONS NOT OBSERVED OR SHOWN HEREON.
- AREA BY COORDINATE COMPUTATION.
- DATE OF FIELD SURVEY 09/27/2021
- THE BEARINGS SHOWN ON THIS PLAT ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM AS MEASURED IN THE FIELD AND WERE ESTABLISHED USING RTK GPS SURVEY METHODS. THE PUBLISHED COORDINATES SHOWN HEREON WERE OBTAINED FROM NCGS RECORD INFORMATION AND WERE USED TO COMPUTE THE POSITIONAL ACCURACY. HORIZONTAL POSITIONS ARE REFERENCED TO NAD 83/NSRS (2011) COMBINED SCALE FACTOR: 0.99985653 (MEASURED) GEOD MODEL: GEOD12B; UNITS: US SURVEY FEET CLASSIFICATION OF SURVEY: CLASS A POSITIONAL ACCURACY: +/- 0.04 OF A SURVEY FOOT.
- THIS SITE IS LOCATED IN MONROE TOWNSHIP, UNION COUNTY, NORTH CAROLINA.
- UNION COUNTY ACQUIRED A 30-FOOT SANITARY SEWER EASEMENT BY MEMORANDUM OF ACTION 08 05/03/2014 AND IS ON FILE AT THE UNION COUNTY REGISTER OF DEEDS, DEED BOOK 4801-604. JUDGEMENT IS ON FILE IN THE CLERK OF COURTS OFFICE.
- DEED BOOK 258 AT PAGE 264 GRANTED UNION ELECTRIC MEMBERSHIP CORPORATION RIGHT OF WAY WITHIN STREETS DEDICATED FOR PUBLIC USE AS SHOWN ON PLAT OF WILLOWHBY WOODS RECORDED IN PLAT BOOK 6 PAGE 169 TO CONSTRUCT AND MAINTAIN ELECTRIC DISTRIBUTION LINES.
- AREAS WITHIN THE PORTION OF MAPLE DRIVE AND WITHIN THE PORTION OF DOGWOOD LANE WITHIN THE 49.583 ACRE PARCEL OWNED BY MONROE TOWNSHIP FARMS, LLC HAVE BEEN WITHDRAWN FROM USE AS A PUBLIC STREET OR OTHER PUBLIC RIGHT OF WAY BY DECLARATION OF WITHDRAWAL RECORDED IN DEED BOOK 8586-182.

OWNER:
MONROE TOWNSHIP FARMS LLC
PO BOX 429
MONROE, NORTH CAROLINA 28111
JAMES CAMERON FURR, JR
2034 DARTMOUTH PL,
CHARLOTTE, NC 28207
DIANE PENEAGAR FURR
400 MCALWAY RD,
CHARLOTTE, NC 28211

HARRIS TEETER PROPERTIES, LLC
DEED BOOK 3830-784
LOT 2
PIN: 09348013B
MARGARET PENEAGAR FURR
1401 VIRGINIA AVENUE
MONROE, NC 28112
DESCRIPTION READS TO
CENTER LINE OF ROAD
PER ANNEXATION
ORDINANCE 4404-485

REFERENCES:
DEED BOOK 7279, PAGE 602
DEED BOOK 6315, PAGE 6
MAP BOOK 6, PAGE 169

DETAIL



PIN: 09348010
SAMUEL EDWARD PENEAGAR
MARGARET PENEAGAR FURR
DEED BOOK 270-308
JAMES CAMERON FURR, JR.
AND DIANE PENEAGAR FURR
DEED BOOK 6315-6

ANNEXATION AREA 1
67.546 ACRES

TOTAL ANNEXATION AREA
117.129 ACRES
(5,102,123 SQUARE FEET)

LINE TABLE		
LINE	LENGTH	BEARING
L1	67.35'	S77°04'17"E
L2	101.52'	S33°50'52"W
L3	60.04'	N42°15'56"W
L4	184.21'	N77°04'22"W
L5	30.40'	N18°16'46"E
L6	60.01'	N71°43'58"W
L7	112.96'	S65°59'29"E
L8	60.11'	S33°49'26"W
L9	95.63'	S34°21'02"W
L10	60.00'	N47°09'53"E
L11	42.77'	S46°10'30"W
L12	179.52'	S46°10'30"W
L13	61.59'	N42°15'56"W

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C1	269.88'	125.42'	124.29'	S29°31'42"E	026°37'37"
C2	516.54'	155.52'	154.93'	S51°27'38"E	017°15'01"
C3	456.54'	275.69'	271.52'	N60°08'05"W	034°35'56"
C4	209.88'	223.85'	213.39'	N12°11'11"W	061°06'38"

NCGS MONUMENT 'UNN 7'
(PUBLISHED - USED)
N: 457,594.91
E: 1,517,277.19

NCGS MONUMENT 'UNN 7'
(PUBLISHED - USED)
N: 457,594.88
E: 1,517,277.23

UNION COUNTY BOARD OF EDUCATION
DEED BOOK 5305-13
(4225-389)
INSIDE CITY LIMITS PER
ANNEXATION ORDINANCE
4833-761

IRON ROD FOUND
(MEASURED)
N: 456,744.726
E: 1,518,676.755

IRON ROD FOUND
(MEASURED)
N: 456,744.726
E: 1,518,676.755

PIN: 09348013
THOMAS M HINSON & WIFE
KAY B HINSON
331-214
SEE NOTE 11
FOR ROW
INFORMATION

PIN: 09348036
THOMAS M HINSON & WIFE
KAY B HINSON
331-214
SEE NOTE 11
FOR ROW
INFORMATION

PIN: 09348035
MONROE TOWNSHIP
FARMS, LLC
DEED BOOK 7279-602
#13

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DEED BOOK 7279-602
#12

PIN: 09348033
MONROE TOWNSHIP
FARMS, LLC
DEED BOOK 7279-602
#11

PIN: 09348032
JACOB C. YOUNG
DEED BOOK 7252-883

PIN: 09348030
DONALD D. WILKINS & WIFE
CHERYL C. WILKINS
400-731

PIN: 09348029
TROY LEE RHODEN & WIFE
LORETHA RHODEN
447-33

PIN: 09348028
BRADLEY HUNTER SOCIA &
BRITTANY NAZANIN HADSALL
DEED BOOK 8017-554

PIN: 09348027
JOSEPH M. TURICK
DEED BOOK 7103-152

PIN: 09348026
JOSEPH M. TURICK
DEED BOOK 7103-152

PIN: 09348024
JEREMY RUSSELL PHIFER
DEED BOOK 3338-1

PIN: 09348023
JACK E. STEGALL & WIFE
ILSE F. STEGALL
DEED BOOK 3830-327

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60' PUBLIC R/W
PLAT BOOK 6-167

PIN: 09348000
COLLINSWOOD CORPORATION
DEED BOOK 273-499
60' PUBLIC R/W
PLAT BOOK 6-167

PIN: 09348000
COLLINSWOOD CORPORATION
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60' PUBLIC R/W
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DEED BOOK 273-499
60' PUBLIC R/W
PLAT BOOK 6-167

Zoning Map

Case #: PLANXA 2022-00034

Legend

- Centerlines
- City Limits
- ▭ Parcels

Zoning Districts

NEW_ZONING

- ▭ CD
- ▨ GB
- ▭ RLD

UC Zoning Districts

ZONE

- ▭ B-4
- ▭ R-20
- ▭ R-8
- ▭ RA-20

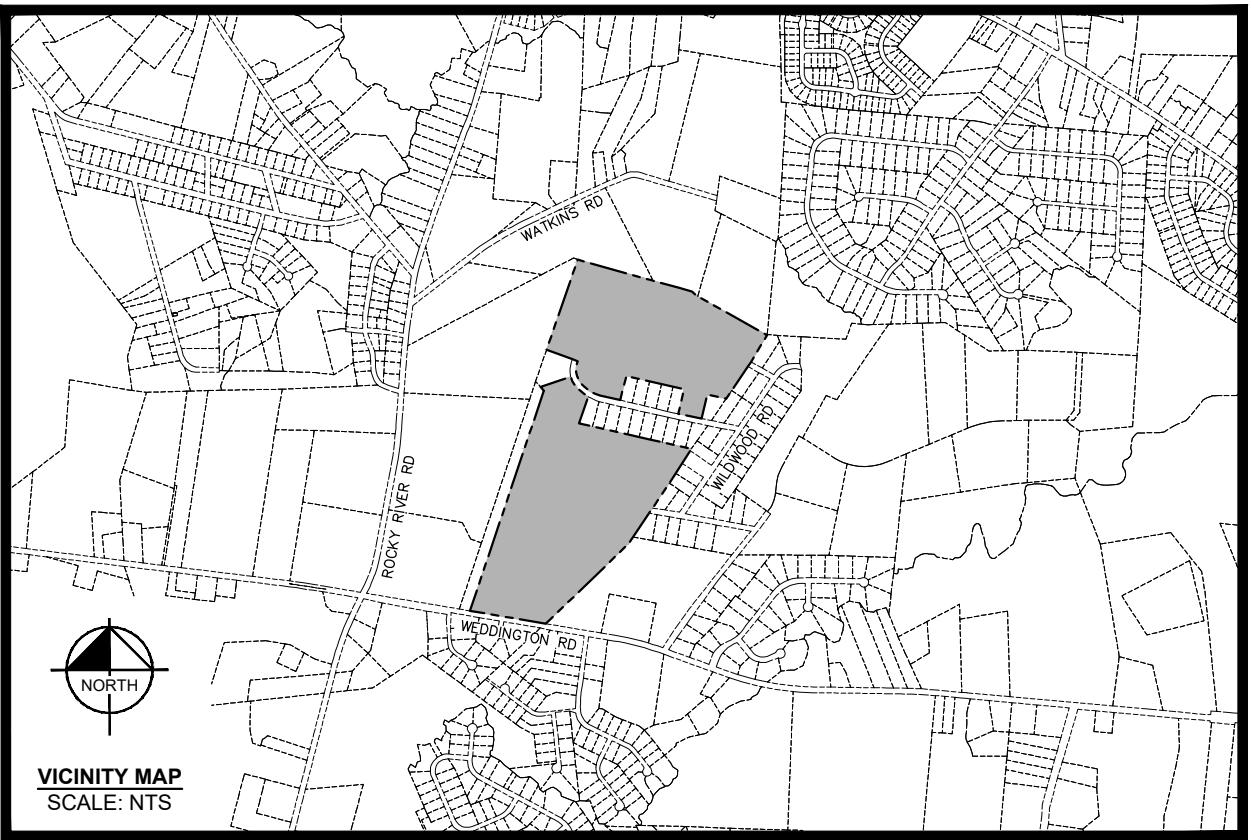
Existing: Union County R-20

Owner: Monroe Township
Farms, LLC & James Furr

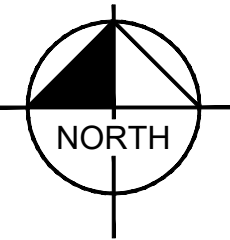
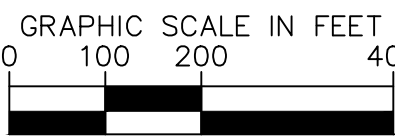
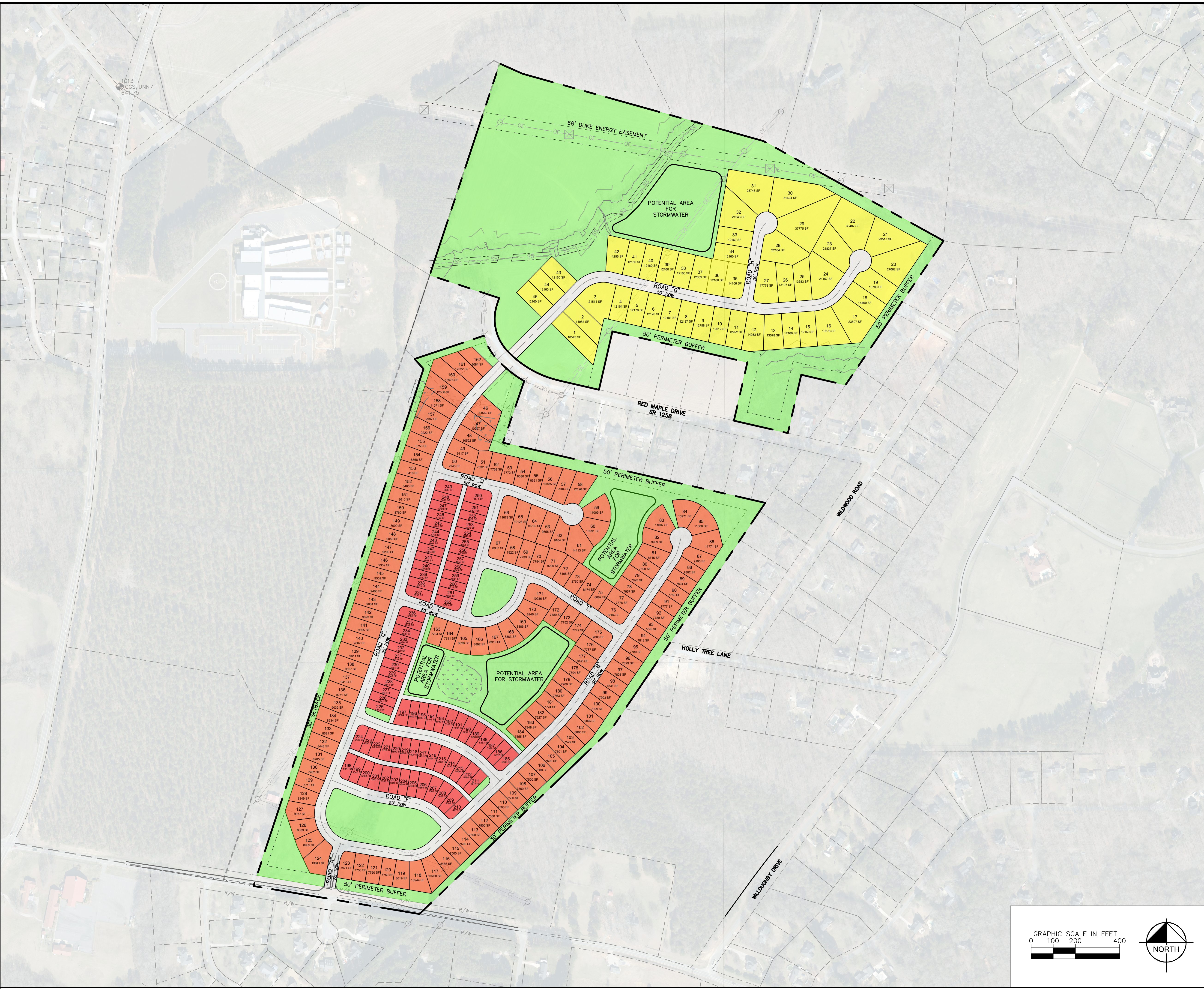
Acres: 117.129



0 580 1,160
Feet



SITE DATA TABLE	
PROPERTY DESCRIPTION	3302 WEDDINGTON ROAD
PIN #:	09348011, 09348035, 09348034, 09348033, 09348010
TOTAL PROPERTY AREA:	117.129 ACRES
CURRENT ZONING:	R-20
PROPOSED ZONING:	CD-WILDWOOD
PROPOSED DENSITY:	2.2 UNITS / ACRE
NUMBER OF LOTS:	
40' LOTS:	78
60' LOTS:	139
75' LOTS:	45
TOTAL:	262
TYPICAL LOT SIZE:	40' x 110'
	60' x 125'
	75' x 160'
MINIMUM LOT SIZE:	
40' X 120' LOTS:	4,800 SF
60' X 125' LOTS:	7,500 SF
75' X 160' LOTS:	12,000 SF
AVERAGE LOT SIZE:	
40' LOTS:	5,180 SF
60' LOTS:	8,880 SF
75' LOTS:	16,750 SF
BUILDING SETBACKS:	
	20' FRONT
	10' CORNER SIDE
	5' SIDE
	20' REAR
PROVIDED OPEN SPACE:	±47.55 AC (41%)



NOTE: PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL DESIGN AND APPROVALS

CONCEPTUAL REZONING PLAN

DATE: 5/21/2023

CONDITIONAL DISTRICT - WILDWOOD

SHEET 2 of 7



NC LICENSE #0-0102
200 SOUTH TRYON STREET, SUITE 200
CHARLOTTE, NORTH CAROLINA 28202
PHONE 704-333-5131

SITE PLAN CONDITIONS

GENERAL NOTES:

1. THE DEVELOPMENT DEPICTED ON THIS REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
2. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO APPROVAL BY THE PLANNING DIRECTOR OR HER/HIS DESIGNEE.
3. ALL WATER AND SEWER DESIGN AND INSTALLATION IS SUBJECT TO CITY OF MONROE ORDINANCES, POLICIES AND STANDARDS. ALL FACILITIES SHALL BE DESIGNED IN ACCORDANCE WITH THE WATER RESOURCES DEPARTMENT STANDARD SPECIFICATIONS AND GUIDELINES BY A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF NORTH CAROLINA.
4. SITE MUST MEET STORMWATER MANAGEMENT REQUIREMENTS IN ACCORDANCE WITH CHAPTER 159 STORMWATER MANAGEMENT ORDINANCE OF THE MONROE CITY CODE.
5. THE LOCATION, SIZE AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND ACTUAL SITE DISCHARGE POINTS.
6. ANY VARIANCES FROM THE CITY OF MONROE'S STANDARD SPECIFICATIONS & DETAIL MANUAL SHOULD BE SUBMITTED IN WRITING TO THE DIRECTOR OF ENGINEERING AS PART OF THE CONDITIONAL DISTRICT PROCESS TO AVOID DELAYS IN PLAN APPROVALS. REQUESTS MUST STATE VARIANCE REQUEST AND SUBSTANTIATED REASON FOR VARIANCE.

TRANSPORTATION:

1. INTERNAL ROADS ARE 50' RIGHT-OF-WAY AND ARE TO BE PUBLICLY OWNED, OPERATED AND MAINTAINED BY THE CITY OF MONROE.
2. PRIVATE ALLEYS AS SHOWN ON THE PLAN WILL MEET CITY OF MONROE DESIGN STANDARDS AT TIME OF CONSTRUCTION PLAN SUBMITTAL, LOTS SERVED BY ALLEYS WILL HAVE REAR-LOADED GARAGES.
3. ALL INTERNAL STREETS WILL HAVE A 5-FOOT (5') MINIMUM SIDEWALK INSTALLED ON BOTH SIDES OF STREETS.
4. EACH HOME WILL HAVE AT MINIMUM A TWO (2) CAR GARAGE.
5. TWO PARKING SPACES EXCLUSIVE OF THE GARAGE, AND OUTSIDE THE RIGHT-OF-WAY WILL BE PROVIDED FOR EACH HOME.
6. EACH HOME SHALL BE PROVIDED WITH AT MINIMUM A PAVED DRIVEWAY.
7. ALL FRONT LOAD GARAGES SHALL HAVE CARRIAGE STYLE DOORS OR HARDWARE THAT MIMICS CARRIAGE STYLE DOORS.
8. A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) DRIVEWAY PERMIT WILL BE REQUIRED FOR ACCESS TO WEDDINGTON ROAD.
9. EIGHT (8') FOOT WIDE SIDEWALK WILL BE REQUIRED ALONG WEDDINGTON ROAD.
10. A TRAFFIC IMPACT ANALYSIS HAS BEEN PREPARED FOR THIS SITE AND RECOMMENDATIONS FROM THE REPORT WILL BE ADHERED TO AS PART OF CONSTRUCTION PLAN SUBMITTAL. RECOMMENDATIONS INCLUDE:

WEDDINGTON ROAD (NC 84) AND MEGAN COURT/ACCESS 1

- CONSTRUCT AN EASTBOUND LEFT-TURN LANE ALONG WEDDINGTON ROAD WITH 150 FEET OF STORAGE.
- CONSTRUCT A WESTBOUND LEFT-TURN LANE ALONG WEDDINGTON ROAD WITH 100 FEET OF STORAGE.
- CONSTRUCT A WESTBOUND RIGHT-TURN LANE ALONG WEDDINGTON ROAD WITH 100 FEET OF STORAGE.
- CONSTRUCT THE SOUTHBOUND APPROACH OF ACCESS 1 TO INCLUDE A SINGLE INGRESS LANE, TWO EGRESS LANES INCLUDING AN EXCLUSIVE RIGHT-TURN LANE WITH 100 FEET OF STORAGE, 150-FOOT INTERNAL PROTECTED STEM (IPS), AND STOP CONTROL.
- MONITOR FOR TRAFFIC SIGNAL WARRANTS.

WEDDINGTON ROAD AND MARTIN LUTHER KING JR. BOULEVARD

- MODIFY THE WESTBOUND RIGHT-TURN PHASING TO INCORPORATE PERMISSIVE-OVERLAP PHASING.

RED MAPLE DRIVE AND ACCESS 2/ACCESS 3

- CONSTRUCT THE NORTHBOUND APPROACH OF ACCESS 2 TO INCLUDE A SINGLE INGRESS LANE, A SINGLE EGRESS LANE, STOP CONTROL, AND 100-FOOT IPS.
- CONSTRUCT THE SOUTHBOUND APPROACH OF ACCESS 3 TO INCLUDE A SINGLE INGRESS LANE, A SINGLE EGRESS LANE, STOP CONTROL, AND 100-FOOT IPS.

11. ALL OFFSITE ROAD IMPROVEMENTS SHALL BE IN ACCORDANCE WITH NCDOT STANDARDS.
12. SITE DISTANCE, SITE TRIANGLES, CURB AND GUTTER, INTERNAL ACCESS RAMPS AND OTHER REQUIRED CITY OF MONROE AND NCDOT DETAILS WILL BE SHOWN AND PROVIDED AS PART OF CONSTRUCTION PLAN APPROVAL, DRIVEWAYS WILL NOT BE LOCATED WITHIN SITE TRIANGLES.
13. A MAXIMUM OF 50 LOTS WILL BE ALLOWED TO BE PLATTED PRIOR TO THE OFFSITE IMPROVEMENTS BEING INSTALLED ON WEDDINGTON ROAD. FURTHER PLATTING LIMITATIONS WILL BE AGREED UPON BETWEEN THE DEVELOPER, CITY AND NCDOT REGARDING THE ADDITIONAL OFFSITE IMPROVEMENTS IDENTIFIED BY THE TIA.

ARCHITECTURAL COMMITMENTS:

1. ALL ELEVATIONS, PACKETS, OR OTHER SUPPLEMENTAL MATERIAL SUBMITTED TO STAFF, PLANNING BOARD, AND OR CITY COUNCIL IN REFERENCE AND SUPPORT OF ANY CONDITIONAL DISTRICT SHALL BE REGARDED AS AN INTEGRAL ELEMENT OF THE APPROVED SITE PLAN. MINOR DEVIATIONS FROM SUBMITTED MATERIAL SHALL BE ALLOWED AT THE DISCRETION OF THE PLANNING DIRECTOR OR HER/HIS DESIGNEE.
2. ALL BUILDINGS, STRUCTURES AND APPURTENANCES SHALL COMPLY WITH THE APPLICABLE NORTH CAROLINA BUILDING CODES ADMINISTERED AT THE TIME OF PERMITTING.
3. EXTERIOR MATERIALS SHALL BE LIMITED TO A MIX OF FIBER CEMENT, STONE, STUCCO, AND/OR BRICK MATERIALS, NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WINDOWS, DOORS, SOFFITS AND TRIM.

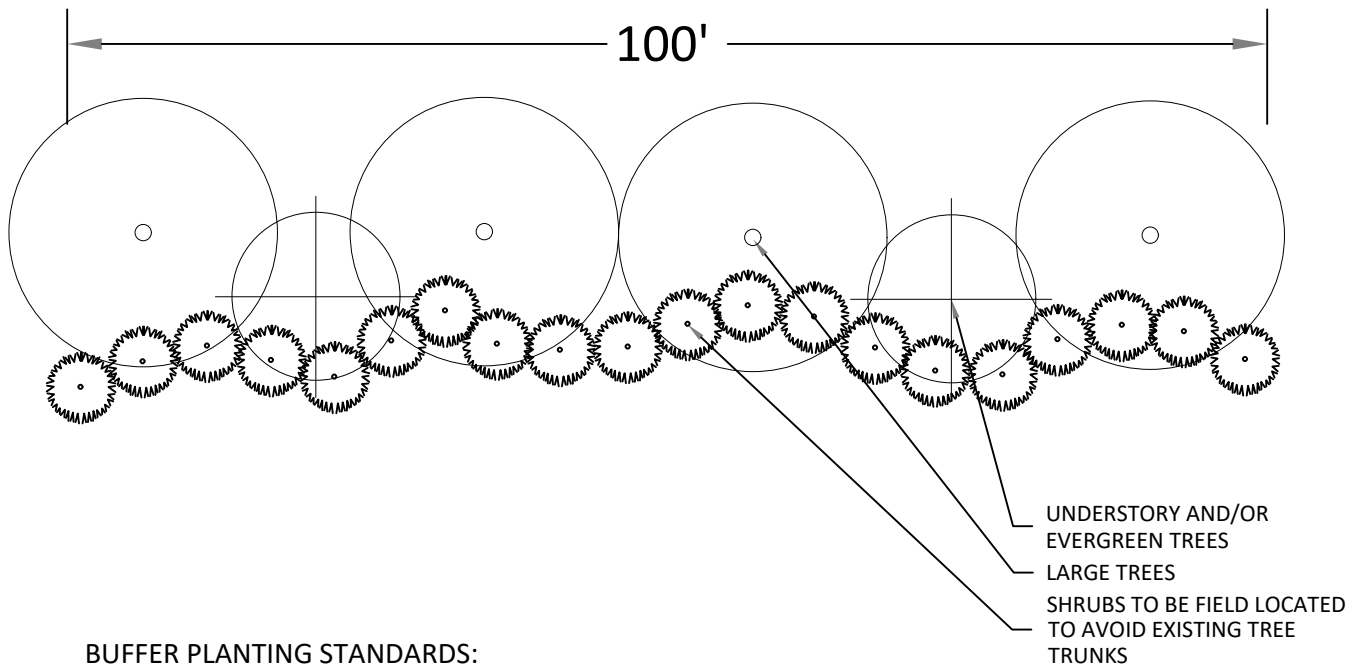
4. HOUSES BUILT ON SLAB FOUNDATIONS SHALL HAVE A MINIMUM FOUR COURSE BRICK, OF STANDARD SIZE, EXTENDING UP THE FACE OF THE SLAB.
5. THE FRONT WALL OF ALL HOUSES SHALL NOT RUN UNBROKEN (UNARTICULATED) FOR A DISTANCE OF MORE THAN 24 LINEAR FEET, ALL WALL OFFSETS SHALL BE A MINIMUM OF ONE (1) FOOT IN DEPTH.
6. THE MAJORITY OF ALL ROOF AREAS ON ANY HOUSE SHALL HAVE A MINIMUM 6/12 PITCH ROOF.
7. ALL EXPOSED CHIMNEYS SHALL BE STUCCO OR BRICK VENEERED CONSISTENT WITH THE ARCHITECTURE OF THE HOME.
8. ACCESSORY STRUCTURES WILL NOT BE LOCATED BEYOND THE FRONT CORNERS OF ANY HOME AND ABIDE BY SETBACKS AS REQUIRED BY CITY OF MONROE ORDINANCES.
9. SETBACK MEASUREMENTS SHALL BE MADE FROM THE EXTERIOR WALL DIMENSION AT THE FOUNDATION, ARCHITECTURAL FEATURES (INCLUDING BUT NOT LIMITED TO OVERHANGS, STOOPS, EAVES AND SOFFITS) AND MECHANICAL UNITS MAY PROJECT INTO SETBACK.
10. A MINIMUM OF 25% OF FRONT ELEVATIONS OF HOMES WILL BE BRICK OR STONE.
11. MINIMUM HEATED SQUARE FOOTAGE (SF) OF HOMES WILL BE: 1,400 SF FOR THE 40-FT WIDE LOTS, 1,300 SF FOR ONE (1) STORY HOMES ON THE 60- AND 75-FT WIDE LOTS AND 1,600 SF FOR TWO (2) STORY HOMES ON THE 60- AND 75-FT WIDE LOTS.

ENVIRONMENTAL/LANDSCAPE:

1. ALL LANDSCAPING SHALL BE KEPT IN A THRIVING CONDITION.
2. EXISTING HEALTHY TREES ON-SITE 8" IN CALIPER (25" CIRCUMFERENCE) IN THE REQUIRED BUFFERS AND OPEN SPACE AREAS WILL BE PRESERVED TO THE EXTENT POSSIBLE AND CAN BE REMOVED TO ALLOW FOR BUILT ELEMENTS, EASEMENTS, AND/OR IF THE HEALTH OF THE TREE WOULD BE COMPROMISED AND POSE A FUTURE HAZARD TO RESIDENTS. REMOVAL OF TREES 24" CALIPER (75" CIRCUMFERENCE) IN REQUIRED BUFFERS AND OPEN SPACE AREAS MAY BE REMOVED WHEN IN CONFLICT WITH BUILDING PADS AND/OR FOUNDATIONS, UTILITY EASEMENTS, DRIVES, PARKING SPACES AND/OR RIGHT-OF-WAYS. IN ALL CASES DISEASED, INVASIVE AND/OR DYING TREES MAY BE REMOVED.
3. TREE SURVEY SHALL BE REQUIRED WITH THE SUBMITTAL OF EROSION CONTROL PLANS.
4. AT LEAST ONE (1) STREET TREE SHALL BE PROVIDED PER LOT. CORNER LOTS SHALL BE PROVIDED WITH AT LEAST TWO (2) STREET TREES AND ONE (1) ADDITIONAL TREE ON THE ACTUAL LOT. TREES SHALL BE PLANTED AT A CALIPER OF 2 INCHES MEASURED 6 INCHES ABOVE GRADE.
5. EACH FRONT-LOADED SINGLE FAMILY HOME SHALL BE PROVIDED AT LEAST ONE ADDITIONAL TREE PER LOT.
6. STREET TREES SHOULD BE A VARIETY OF SPECIES AND OF SUITABLE SPECIES APPROPRIATE TO THIS AREA.
7. FRONT LAWNS OF ALL SINGLE FAMILY HOMES SHALL BE SODDED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
8. COMMENCEMENT OF THE AMENITY AREA SHALL BEGIN NO LATER THAN 50% OF THE CERTIFICATE OF OCCUPANCIES ISSUED.
9. THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF OPEN SPACE, COMMON AREAS, STORMWATER AREAS, ETC.
10. THE EXISTING 68' DUKE POWER EASEMENT WILL REMAIN. THE EXISTING 30' UNION POWER EASEMENT WILL BE RELOCATED OR REMOVED WITH UNION POWER'S PERMISSION AND COORDINATION PRIOR TO CONSTRUCTION.
11. AMENITIES FOR THE NEIGHBORHOOD MAY INCLUDE, BUT ARE NOT LIMITED TO, POOL AND CABANA, TOT LOT, GRILLING STATIONS, OPEN PLAY AREAS, FIRE PIT, BENCHES AND LANDSCAPED AREAS.
12. PERIMETER BUFFER SHALL REMAIN VEGETATED. ADDITIONAL PLANTINGS SHALL ONLY BE REQUIRED WHERE BUFFER IS DISTURBED BY GRADING OR NO EXISTING VEGETATION IS PRESENT. EASEMENTS THROUGH THE BUFFER WILL NOT BE PLANTED.

SIGNS:

1. ALL SIGNS ONSITE SHALL ADHERE TO THE RESIDENTIAL SIGN STANDARDS.



BUFFER PLANTING STANDARDS:

1. MINIMUM OF 3 LARGE MATURING TREES, 2 UNDERSTORY AND/OR EVERGREEN TREES, AND 20 SHRUBS PER 100 LINEAR FEET.
2. ACTUAL QUANTITIES TO BE DETERMINED AT TIME OF SITE PLAN SUBMITTAL.
3. SEE ENVIRONMENTAL / LANDSCAPE NOTE #12.

BUFFER PLANTING DETAIL - TYPICAL 100' SECTION
N.T.S.

Petitioner voluntarily agrees to all conditions approved by City Council, which are listed on this site plan.

Petitioner Signature

Date

REZONING NOTES AND DETAILS

DATE: 5/21/2023

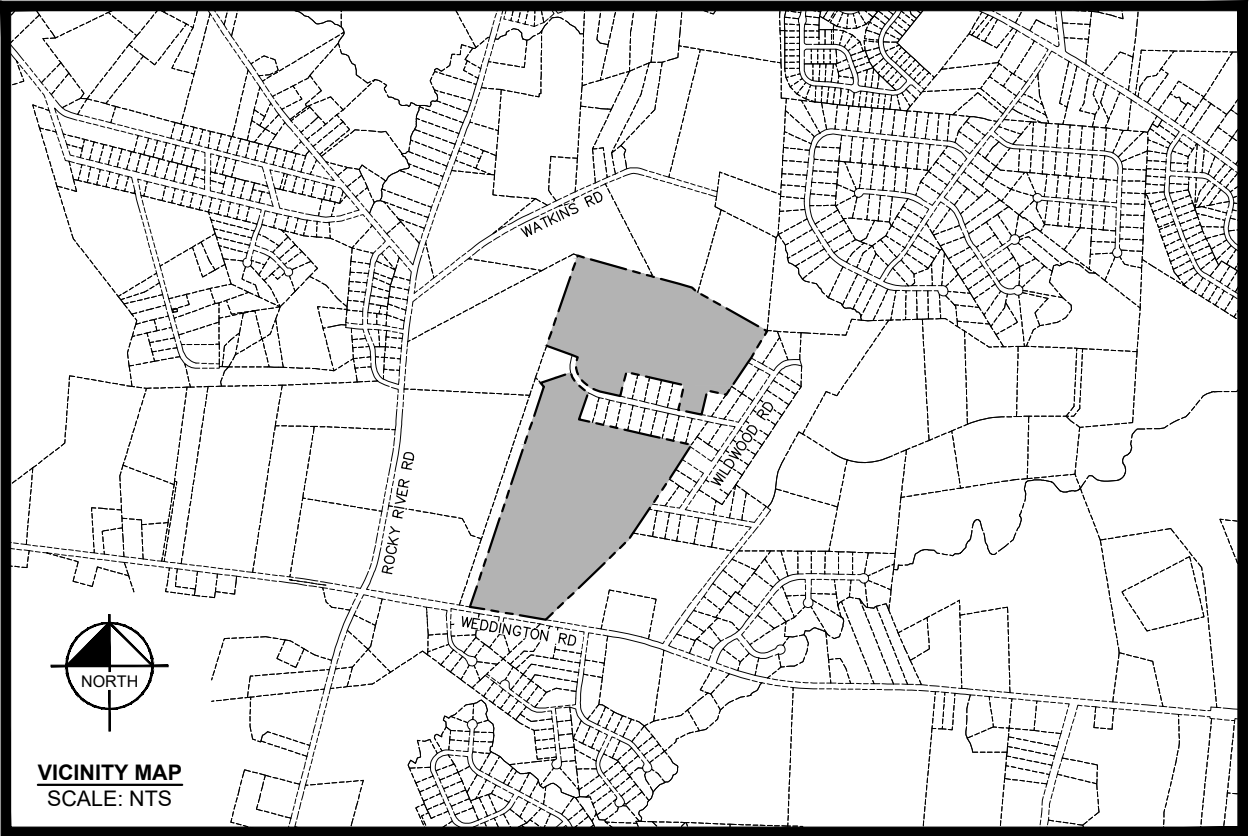
CONDITIONAL DISTRICT - WILDWOOD

SHEET 3 of 7

Kimley»Horn

NC LICENSE #F-0102
200 SOUTH TRYON STREET, SUITE 200
CHARLOTTE, NORTH CAROLINA 28202
PHONE 704-333-5131

© 2023



EXISTING CONDITIONS

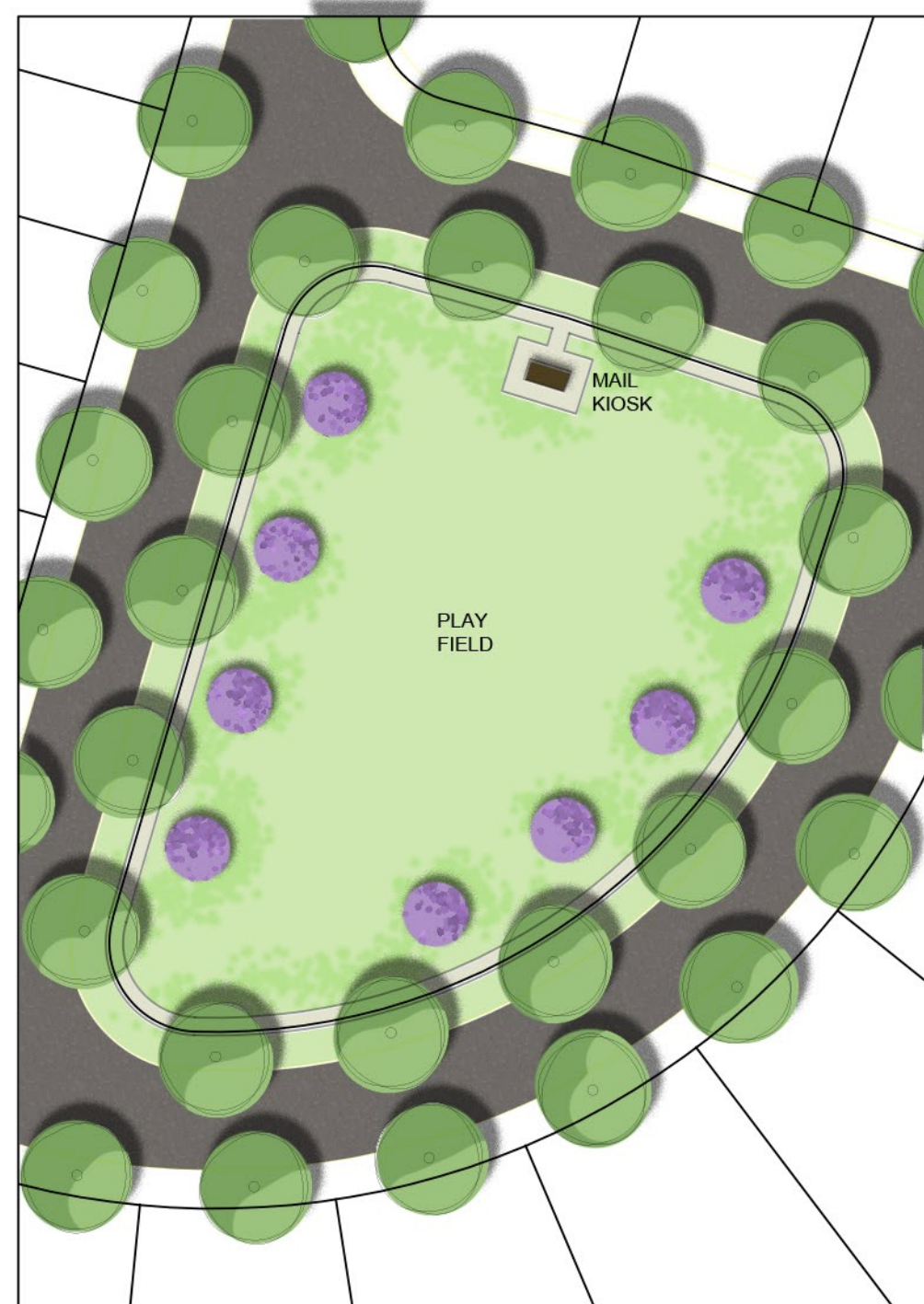
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CONDITIONAL DISTRICT - WILDWOOD

SHEET 1 of 7

Kimley»Horn

NC LICENSE #F-0102
200 SOUTH TRYON STREET, SUITE 200
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PHONE 704-333-5131



Multi-purpose Play Field
N.T.S.



Main Amenity Area - Pool Cabana, Pool, Multi-purpose play court, Dog Park and Gazebo
N.T.S.



Weddington Road Streetscape
N.T.S.

NOTE: PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL DESIGN AND APPROVALS

CONCEPTUAL REZONING RENDERING

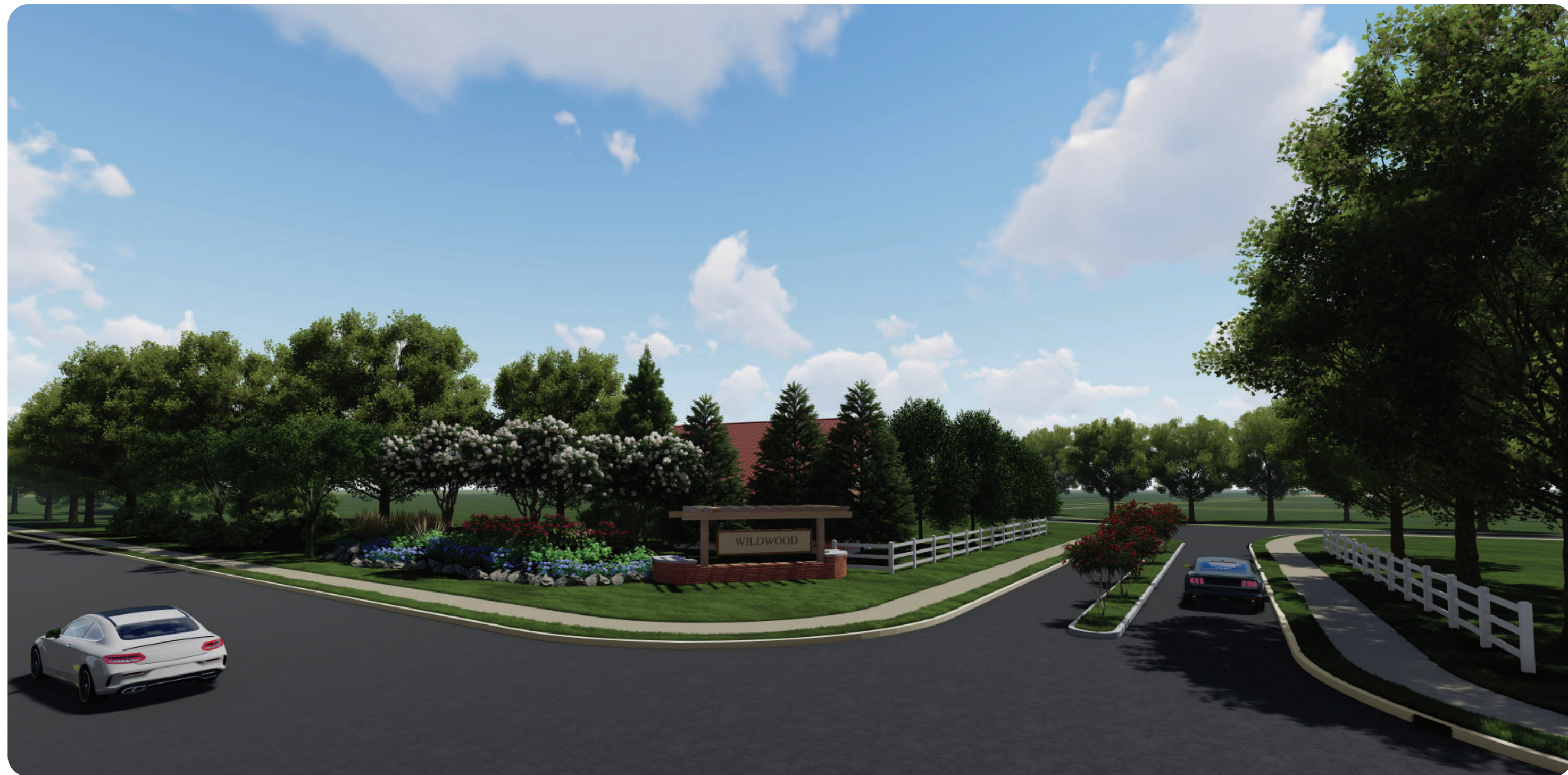
DATE: 5/21/2023

CONDITIONAL DISTRICT - WILDWOOD

SHEET 4 of 7

Kimley»Horn

NC LICENSE #F-0102
200 SOUTH TRYON STREET, SUITE 200
CHARLOTTE, NORTH CAROLINA 28202
PHONE 704-333-5131







Future Land Use Map

Case #: PLANXA 2022-00034

Legend

Centerlines

City Limits

Parcels

FLUM

Future Land Use Character Area

Suburban

Existing: Union County R-20

Owner: Monroe Township
Farms, LLC & James Furr

Acres: 117.129



0 580 1,160
Feet

LAND USE AND TRANSPORTATION **PLAN CONSISTENCY**

The Land Development Plan indicates this area is Suburban. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Attached and multi-family housing is suitable in mixed-housing neighborhoods and activity centers. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods. The density for suburban residential is 2-4 units per acre. The proposed project is consistent with the Future Land Use Plan.

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE CONDITIONAL DISTRICT “WILDWOOD”
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for Conditional District “WILDWOOD” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. Furthermore, this character area recommends multimodal connections between neighborhoods. This proposed development is at 2.23 units per acre and provides multimodal connectivity between neighborhoods; therefore, it is consistent with the plan. The proposed development is a reasonable use and in the public interest because it continues similar residential uses in the area.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving the Land Use and Transportation Plan Compliance of the zoning map amendment for properties with Union County Tax Parcel Numbers: 09-348-010, 09-348-011, 09-348-033, 09-348-034, and 09-348-035.

Adopted this 5th day of July, 2023.

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE CONDITIONAL DISTRICT “WILDWOOD”
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the City Council does hereby find and determine that the adoption of the zoning map amendment for Conditional District “WILDWOOD” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. Furthermore, this character area recommends multimodal connections between neighborhoods. This proposed development is at 2.23 units per acre and provides multimodal connectivity between neighborhoods; therefore, it is consistent with the plan. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment recommendation for denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying the Land Use and Transportation Plan Compliance of the zoning map amendment for properties with Union County Tax Parcel Numbers: 09-348-010, 09-348-011, 09-348-033, 09-348-034 and 09-348-035.

Adopted this 5th day of July, 2023.

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Amend §157.1.2.1 **OFFICIAL ZONING MAP** as follows:

Rezone the properties located along Weddington Road and Red Maple Drive and further identified as tax parcel #'s 09-348-010, 09-348-011, 09-348-033, 09-348-034, and 09-348-035. The request is to rezone the property from Union County R-20 to Conditional District "Wildwood".

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 8th day of August, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Amend §157.1.3.1 ZONING DISTRICTS ESTABLISHED as follows:

Conditional District (CD) “Wildwood”

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 8th day of August, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: July 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

SUBJECT: Zoning Text Amendment Request to the Unified Development Ordinance (UDO).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Existing Agreements or Vested Rights* and Section 3.4.8: *Vested Rights Certificate*.

REVIEW

Planning Board is requested to consider a zoning text amendment to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Existing Agreements and Vested Rights* and Section 3.4.8: *Vested Rights Certificate*. The purpose of the zoning text amendment is provide clarification, include missing language and to conform to 160D-108 and 160D-108.1 of the NC General State Statutes that relates to Permit Choice and Vested Rights.

RECOMMENDATION

Planning staff recommends approval of a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Existing Agreements and Vested Rights* and Section 3.4.8: *Vested Rights Certificate* of the UDO.

Planning Board will need to take action on the following items:

1. *Zoning action: Motion to adopt Resolution approving Land Use and Transportation Plan compliance **OR** Motion to adopt Resolution denying Land Use and Transportation Plan compliance;*

If the Resolution of Land Use and Transportation Plan Compliance is approved, Planning Board will also need to make the following motion:

- 1. Motion to recommend adoption of the Ordinance amending Chapter 157, Section 1.1.9: Permit Choice and Vested Rights and Section 3.4.8: Vested Rights Certificate of the UDO.*

If the Resolution of Land Use and Transportation Plan Compliance is denied, Planning Board will also need to make the following motion:

- 1. Motion to deny the zoning text amendment*

Attachments:

1. R-2023-XX Land Use Plan Compliance
2. O-2023-XX

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend Section §157.1.1.9 “EXISTING AGREEMENTS OR VESTED RIGHTS” as follows:

§157.1.1.9 PERMIT CHOICE AND VESTED RIGHTS

- A. Purpose. The purpose of this Section is to conform to G.S. 160D-108 and G.S. 160D-108.1, recognize that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expense and to establish certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation.
- B. Permit Choice. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies. The applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, development permit applicant shall not be required to await the outcome of the amendment to the rule, map or ordinance prior to acting on the development permit.

1. Development projects that require multiple permits to complete a development project, the development permit applicant may choose the version of each of the land development regulation applicable to the project upon submittal of the application for the initial development permit. This section is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. This section does not limit or affect the duration of any vested rights established. For purposes of the vesting protections of this section, an erosion control and sedimentation control permit or a sign permit is not an initial development permit.
- C. Vested rights shield prior-approved development from the requirement to comply with changes in this UDO or other City requirements. Vested rights are applied in accordance with Section 160D-108 and 160D-108.1-(d) of the North Carolina General Statutes, and the following:
- D. Prior Vesting. Amendments, supplements, repeals, or other changes in zoning regulations and zoning boundaries shall not be applicable or enforceable without the consent of the landowner with regard to lots for which building permits, multi-phased development approvals, or vested rights have been established (pursuant to State law) prior to the enactment of this UDO making the change(s), so long as the vested rights remain valid and unexpired. The following shall apply to prior vesting:
1. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
 2. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
 3. A site-specific vesting plan pursuant to G.S. 160D-108.1.
 4. A multi-phased development pursuant to subsection (f) of G.S.160D-108.
 5. A vested right established by the terms of a development agreement.
- E. Development Approvals.
1. Except for building permits, site-specific vesting plans, development agreements, and multi-phased developments, any development approval under this UDO shall be vested from changes in this UDO for a period of one (1) year from the date of approval, provided the development subject to the approval complies with all

applicable terms and conditions. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances and certificate of appropriateness, etc.

2. A valid development approval shall not expire if work on the project has substantially commenced within the initial validity period. Substantial commencement of work shall be determined by the Director of Planning based on the following:

i. The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days.

ii. The development has installed substantial on-site infrastructure; or

1.iii. The development has received and maintained a valid building permit for the construction and approval of a building foundation.

2.3. Once vesting rights have been established, development permits expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.

F. Building Permit. The issuance of a building permit establishes a vested right to the development for a period of six (6) months, as long as the building permit complies with the terms and conditions of approval of that building permit. If after commencement, the work is discontinued for a period of twelve (12) months, the permit shall expire.

G. Site-Specific Vesting Plan.

1. Development approvals identified by this UDO as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two (2) years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.

2. The following types of development approvals shall be considered site-specific vesting plans:

a. Concept plans associated with a conditional rezoning approved in accordance with Section 3.4.6, Zoning Map Amendment (Rezoning);

- b. Major subdivision final plat approved in accordance with Section 3.4.16, Major Subdivision Final Plat;
 - c. Planned developments approved in accordance with Section 3.4.7, Planned Developments;
 - d. Major subdivision preliminary plat approved in accordance with Section 3.4.15, Major Subdivision Preliminary Plat;
 - e. Site and development plan (Site Plan) approved in accordance with Section 3.4.17, Site and Development Plan;
 - f. Special use permit approved in accordance with Section 3.4.9, Special Use Permit.
- 3. Site-specific vesting plans meeting the definition of multi-phase development shall be vested in accordance with Section 1.19 (H).
 - 4. Approved site-specific vesting plans may receive a vesting period exceeding two (2) years upon approval of a vested right certificate in accordance with Section 3.4.8, Vested Rights Certificate not to exceed a total of four (4) years.;

H. Multi-Phase Development.

- 1. A multi-phase development plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval, and includes more than one phase shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven (7) years from the date of approval of the first site plan associated with development.
- 2. Vesting shall commence upon approval of the site plan for the first phase of the development.
- 3. The vested right shall remain in affect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

- I. Vested Rights Certificate. Site-specific vesting plans that do not qualify for a multi-phase development may have a vesting period that exceed two (2) years upon approval of a vested right certificate in accordance with Section 3.4.8, Vested Rights Certificate not to exceed a total of four (4) years.

J. Validity after Development Discontinuation. As outlined in G.S. 160D-108 (d), after a development has substantially commenced work, statutory vested rights “expire for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.”

K. Limits of site-specific vesting plans.

1. Even with the establishment of a site-specific vesting plan, the property owner must meet all standards and conditions of the development approval. Nothing in this ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Unified Development Ordinance according to G.S. 160D-403 (f). The development remains subject to subsequent review and approvals to ensure compliance with the terms and conditions of the original approval as provided for in the original approval or by applicable regulations.
2. The establishment of a vested right pursuant to the Unified Development Ordinance shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the City of Monroe, including, but not limited, to building, fire, plumbing, electrical, and mechanical codes.
3. New and amended zoning regulations that would be applicable to certain property but for the establishment of a vested right shall become effective upon the expiration or termination of the vested rights period provided for in this ordinance.
4. Upon issuance of a building permit, the expiration provisions of G.S. 160D-1111 and 160D-1115 apply, except that a building permit shall not expire or be revoked because of the running time while a zoning vested right under this section is outstanding.
5. Any vested rights for a site-specific vesting plan are subject to the exceptions specified in G.S. 160D-108.1.
6. Modifications to Site-Specific Vesting Plans: an approved site-specific vesting plan and its conditions may be modified with the approval of the owner and the local government in accordance with Section 3.4.6: Zoning Map Amendments

(Rezoning) subsection D 4: Conditional Zoning for minor and major modifications.

L. Revocation of Development Approvals and Vesting Rights. Development approvals shall be revoked for the following:

1. Any substantial departure from the approved application, plans or specifications;
2. Refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the City for enforcement purposes in lieu of the State;
3. False statements or misrepresentations made in securing the approval.
4. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.
 - i. If at any time the Director of Planning and Development determines a development approval or vested right shall be revoked, the developer will be notified in writing stating the reasons with evidence supporting the finding and determination.
 - ii. The revocation of a development approval by staff may be appealed in accordance to Section 3.4.11: Appeals of the UDO.
 - iii. If a development approval or vested rights is revoked, then the underlying vesting document is also revoked. No work or activity authorized by a revoked vested rights approval shall thereafter be performed until a new site-specific vesting plan is approved.

~~K.M.~~ Common Law Vesting. A common law vested right is established only when the following can be demonstrated by the landowner:

1. There is an affirmative governmental act by the City in the form of an approval of a permit or development approval under this Unified Development Ordinance (UDO); and
2. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
3. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

SUMMARY OF PERMIT CHOICE AND VESTED RIGHTS APPLICABILITY

<u>TYPE OF PERMIT/RIGHTS</u>	<u>PERIOD OF VALIDITY</u>	<u>SUMMARY OF APPLICABILITY</u>
<u>Permit Choice</u>	<u>18 months from initial approval</u>	<u>Right for development applicant to choose for application to be reviewed under the regulations applicable at the time of initial application; applies to initial permit application and subsequent related development permits. G.S. 143-755 & 160D-108.</u>
<u>Building Permit</u>	<u>6 months</u>	<u>Work under a building permit must begin within six months. Permit expires after discontinuance of work for 12 months. G.S. 160D-1111.</u>
<u>Development Permits</u>	<u>12 months</u>	<u>General rule that development approvals (site plan, plats, special use permits, and more) are valid for twelve months unless altered by other statutes. G.S. 160D-108.</u>
<u>Site-Specific Vesting Plan</u>	<u>2 years (2 year extension with City Council approval)</u>	<u>Certain approvals identified in a local ordinance create extended vesting. Permit</u>

		<u>must be identified as such at the time of approval. G.S. 160D-108.1.</u>
<u>Multi-Phased Development</u>	<u>7 years from first site plan approval</u>	<u>Qualifying development enjoys extended vesting. Must be at least 25 acres in size, subject to a master development plan with committed elements, to be permitted and built in phases. G.S. 160D-108.</u>
<u>Validity after Development Discontinuation</u>	<u>2 years</u>	<u>For a development that has substantially commenced work, statutory vested rights expire after 24 consecutive months of discontinuance of the project. The discontinuance period is tolled for any litigation relating to the project or property. (Building permits limited to 12 months of discontinuation.) G.S. 160D-108.</u>
<u>Development Agreement</u>	<u>Per agreement</u>	<u>Negotiated agreement between developer and local government specifying a range of development topics, including a period of</u>

		<u>vesting. G.S. 160D-108 & 1007.</u>
<u>Common Law Vested Right</u>	<u>Reasonable Time</u>	<u>Established by substantial expenditures relying in good faith on a valid governmental permit. Authorized in caselaw.</u>

3.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX

Preamble

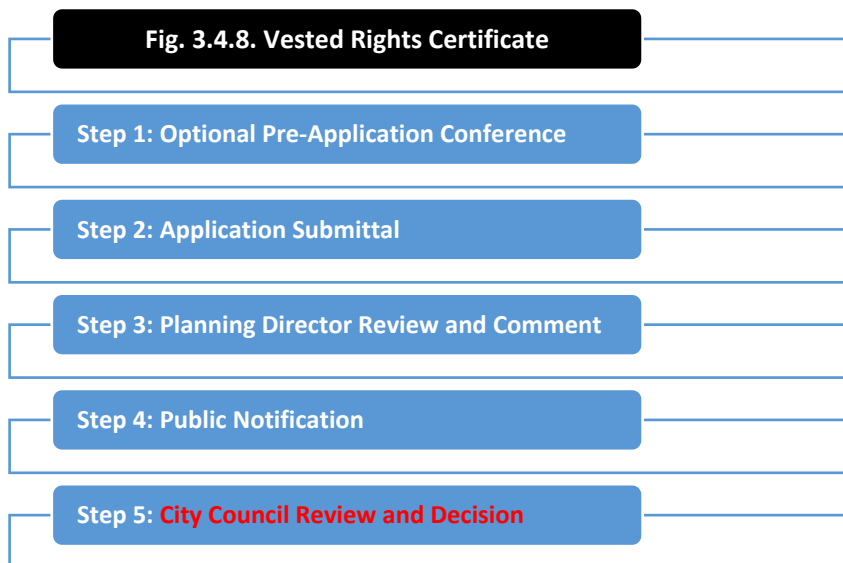
Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend Section §157.3.4.8 “VESTED RIGHTS CERTIFICATE” as follows:

§157.3.4.8 **VESTED RIGHTS CERTIFICATE**



A. Purpose. The purpose of this section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Unified Development Ordinance (UDO)

through issuance of a vested rights certificate associated with an approved site-specific vesting plan.

B. Applicability.

1. A vested right may be established, in accordance with Section 160D-108.1 (d) of the North Carolina General Statutes, and this section.
2. A vested rights certificate shall be limited to development included in a site-specific vesting plan. For the purposes of this section, a site-specific vesting plan shall be one of the following development approvals:
 - a. Conditional rezoning concept plan or site plan approved as part of a conditional rezoning;
 - b. Planned development master plan;
 - c. Preliminary plat;
 - d. Site plan; or
 - e. A site plan associated with a special use permit.
3. Site-specific vesting plans that do not qualify for a multi-phase development may have a vesting period that exceed two (2) years upon approval of a vested right certificate not to exceed a total of four (4) years.
4. An application for a vested rights certificate shall be processed concurrently or after the approval of a conditional rezoning application, planned development, preliminary plat, site plan, or special use permit.

C. Vested Rights Certificate Procedure. The vested rights certificate procedure is described in Figure 3.4.8, Vested Rights Certificate.

D. Decision by City Council.

1. The City Council shall hold a public hearing consistent with Section 3.3.3 above. The City Council, after public hearing, may grant approval of a vested rights request, grant approval of a revised vested rights request, or deny an application for vested rights.
2. The decision shall be based on the standards in Section 3.4.8 (E), Vested Rights Review Standards.
 1. The decision shall be one of the following:
 - i. Approval of the vested rights certificate as proposed;
 - ii. Approval of a revised vested rights certificate;
 - iii. or Denial of the vested rights certificate.

2. The vested rights certificate is deemed established upon the approval by the City Council of a qualifying site-specific vesting plan to which the application for a vested rights certificate was attached.

E. Vested Rights Certificate Review Standards. An application shall be submitted on a form as designated by the City and include the appropriate filing fee. The applicant for a vested rights certificate/ determination shall provide the Director with a completed application and copies of any documents on which the applicant is relying to establish vested rights. The application shall be reviewed by the Director and approved in a public hearing by the City Council and meet all applicable common application procedures. An application for a vested right certificate shall be approved if:

1. The vested rights certificate is for an approved site-specific vesting plan;
2. The development is valid and unexpired;
3. Any required variances have been obtained; and
4. The request is in accordance with Section 160D-108 of the North Carolina General Statutes.

F. Effect.

1. A vested rights certificate shall be approved prior to issuance of a building permit.
2. Each document used to establish a site-specific vesting plan shall bear the following notation:
“Approval of this application establishes a zoning vested right under Section 160D-108 of the North Carolina General Statutes, as amended. Unless terminated at an earlier date, the vested right shall be valid until _____ (date).”

G. Miscellaneous Provisions.

1. A vested right obtained under this Section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right under this Section, all successors to the original landowner shall be entitled to exercise such rights.
2. Nothing in this Section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Section, nothing in this Section shall be construed to alter the existing common law.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate* is consistent with the Land Use and Transportation Plan because the text amendments includes missing language, provides clarification and conforms to 160D-108 and 160D-108.1 of the NC General State Statutes. The proposed zoning text amendment is a reasonable use and in the public interest.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate*.

Adopted this 7th day of June, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate* is consistent with the Land Use and Transportation Plan because the text amendments includes missing language, provides clarification and conforms to 160D-108 and 160D-108.1 of the NC General State Statutes. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance to amend Sections 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate*.

Adopted this 7th day of June, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board



STAFF REPORT

TO: Planning Board

DATE: July 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text Amendment Request to the Unified Development Ordinance (UDO)

SUMMARY STATEMENT

Planning Board is requested to consider various zoning text amendments to Code of Ordinances- Title XV: Land Usage, Chapter 157, Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use*.

REVIEW

Planning Board is requested to consider the following text amendments:

Sections 1-4: Sections one through four are requesting the removal of minimum lot coverage from the development standards table for the mixed use districts. Lot coverage is the minimum and maximum a lot is permitted to be covered by a roofed structure. Requiring a minimum lot coverage may lead to unnecessary impervious surfaces, which is contrary to best planning practice.

RECOMMENDATION

Planning staff recommends approval of the presented text amendments pending legal review.

Planning Board will need to take action on the following items:

APPROVAL	DENIAL
----------	--------

1. Motion to adopt Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to adopt Resolution <i>Denying</i> Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 5.4: <i>Downtown Districts</i> , Section 5.5: <i>Community Corridor Mixed-Use 1 District</i> , Section 5.6: <i>Community Corridor Mixed-Use 2 District</i> , and Section 5.8: <i>Medical District Mixed-Use</i>	2. Motion to deny the zoning text amendment

Attachments:

1. Approval Resolution: R-2023-xx
2. Denial Resolution: R-2023-xx
3. O-2023-xx

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend §157.5.4 “DOWNTOWN DISTRICTS” as follows:

Amend Lot Coverage in Table 5.4 DC-MX/DG-MX District Development Standards Table

		DC-MX	DG-MX
Lot	Length (min)	25'	50'
	Width (min)	25'	50'
	Coverage (min /max)	75% /100%	50% /75%

Space intentionally left blank

Section 2. **Amend §157.5.5 “COMMUNITY CORRIDOR MIXED-USE 1 DISTRICT (CC-MX1)” as follows:**

Amend Lot Coverage in Table 5.5 CC-MX1 District Development Standards

CC-MX1 District Development Standards		
Lot	Length (min)	100
	Width (min)	50
	Coverage (min /max)	50% /85%

Section 3. **Amend §157.5.6 “COMMUNITY CORRIDOR MIXED-USE 2 DISTRICT (CC-MX2)” as follows:**

Amend Lot Coverage in Table 5.6 CC-MX2 District Development Standards

CC-MX2 District Development Standards		
Lot	Length (min)	100
	Width (min)	50
	Coverage (min /max)	50% /75%

Space intentionally left blank

Section 4. Amend §157.5.8 “MEDICAL DISTRICT MIXED-USE (MD-MX)” as follows:

Amend Setbacks in Table 5.8 MD-MX District Development Standards

MD-MX District Development Standards		
Lot	Length (min)	50
	Width (min)	50
	Coverage (min /max)	75% /85%

Section 5. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Chapter 157, Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan is the guide for future growth, removing the minimum lot coverage sets Monroe up for best planning practices by reducing unnecessary impervious surfaces. The proposed zoning text amendment is a reasonable use and in the public interest because it will reduce impervious surface requirements, thus reducing potential storm water runoff.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use*

Adopted this 5th day of July, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Chapter 157, Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan is the guide for future growth, removing the minimum lot coverage sets Monroe up for best planning practices by reducing unnecessary impervious surfaces. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance to amend Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use*

Adopted this 5th day of July, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board



STAFF REPORT

TO: Planning Board

DATE: July 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text Amendment Request to the Unified Development Ordinance (UDO)

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendments to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 3.3.4: *Planning Board (PB)*

REVIEW

At the request of a few Planning Board members, Planning Board is requested to consider a text amendment to increase the membership of Planning Board from seven members to nine members. Eight members must be residents of Monroe, while one member must be an ETJ (Extra-Territorial Jurisdiction) resident.

Staff has also prepared a text amendment to further clarify term limits for Planning Board. The proposed text amendment states term limits shall adhere to Chapter 32 of the Code Ordinances, which states: “A length of service on all boards and commissions shall be limited to two (2) full successive terms excluding appointments to fill previously unexpired terms.”

RECOMMENDATION

Planning staff recommends approval of the presented text amendment pending legal review.

Planning Board will need to take action on the following items:

APPROVAL	DENIAL
1. Motion to adopt Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to adopt Resolution <i>Denying</i> Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution
2. Motion to adopt the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157: Section 3.3.4: <i>Planning Board (PB)</i> ,	2. Motion to deny the zoning text amendment

Attachments:

1. Approval Resolution: R-2023-xx
2. Denial Resolution: R-2023-xx
3. O-2023-xx

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-xx**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend §157.3.3.4 “PLANNING BOARD (PB)” as follows:

A. Appointment and Terms of Planning Board Members.

1. **Generally.** The Planning Board (PB) shall consist of ~~ninse~~nine~~seven~~ (~~97~~) regular members.
 - a. ~~Six-Eight~~ (~~86~~) members shall be residents of the City of Monroe and shall be appointed by City Council; one member shall be a resident of the extraterritorial zoning jurisdiction (ETJ). ETJ members shall be appointed in accordance with G.S. §160D-307. Planning Board members representing the extraterritorial area shall have equal rights, privileges, and duties in all matters coming under the Board’s purview.
 - a. In addition to the forgoing regular members, one member of the Monroe Youth Council shall serve as an ex officio, non-voting, uncompensated member. The Monroe Youth Council shall select the Youth Council ex officio member at the time it elects officers annually.
2. **Member Terms.** PB members shall be appointed for four-year staggered terms expiring on December 31st.

- a. ~~a. Term limits shall adhere to Code of Ordinances, Chapter 32. Members may serve two consecutive terms.~~
- b. ~~Any vacancy in the membership shall be filled for the unexpired term.~~
- c. ~~Members may continue to serve until their successors have been appointed.~~

Section 2. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend Chapter 157, Section 3.3.4: *Planning Board (PB)* is consistent with the Land Use and Transportation Plan because the plan provides guidance for future development and Planning Board also provides guidance for future development. The proposed text amendment is reasonable and in the public interest because the Land Use and Transportation Plan’s guiding statement is “Monroe will be a dynamic and progressive city that promotes growth that boosts our economy, protects our neighborhoods, and enhances our downtown.” Increasing the number of Planning Board members allows more residents to take part in the process to promote growth and boost the economy.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Chapter 157, Section 3.3.4: *Planning Board (PB)*

Adopted this 5th day of July, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend Chapter 157, Section 3.3.4: *Planning Board (PB)* is consistent with the Land Use and Transportation Plan because the plan provides guidance for future development and Planning Board also provides guidance for future development. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance to amend Chapter 157, Section 3.3.4: *Planning Board (PB)*

Adopted this 5th day of July, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board