

PENDING TEXT AMENDMENT
P10-46

Town of Hope Mills Zoning Ordinance

Proposing to amend the provisions for mixed use buildings and outdoor recreation/amusement standards

CURRENT MEETING INFORMATION:

A public hearing will be held by the Hope Mills Zoning Board on July 25, 2011, 3:00 pm in the Bill Luther Board Meeting Room at the Hope Mills Town Hall, 5770 Rockfish Road, Hope Mills.

CASE HEADING:

P11-36: REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 102A-203 DEFINITION OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE X, INDIVIDUAL USES, SECTION 102A-1013 MIXED USE BUILDING AND SECTION 102A-1019 RECREATION OR AMUSEMENT, PUBLIC/PRIVATE AND INDOOR/OUTDOOR BY REPEALING SUB-SECTION (C); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

ADDITIONAL INFORMATION:

The proposed changes, if approved, will allow for residential and commercial uses to be located within the same structure provided that certain minimum standards can be met. Also, this amendment will ensure that outdoor recreation uses do not have to shut down at sundown.

A copy of the complete text of the proposed amendment is attached.

P11-36

Town of Hope Mills Zoning Code Text Amendment
Mixed Use Buildings & Indoor/Outdoor Recreation or Amusement

REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 102A-203 DEFINITION OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE X, INDIVIDUAL USES, SECTION 102A-1013 MIXED USE BUILDING AND SECTION 102A-1019 RECREATION OR AMUSEMENT, PUBLIC/PRIVATE AND INDOOR/OUTDOOR BY REPEALING SUB-SECTION (C); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

AMEND ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, Sec. 102A-203. Definitions of specific terms and words, specifically the term: *Mixed use* to be re-written as indicated below:

Mixed use: A single building containing more than one type of land use where the residential ground floor use occupies no more than 40 percent of the total building floor area and the non-residential use occupies a minimum of 60 percent of the total floor area ~~is a permitted non-residential use in the zoning district and all second floor and above uses are residential~~ or a single development of more than one building and use with the different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

AMEND ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, Sec. 102A-203. Definitions of specific terms and words, by INSERTING in alphabetical order the following terms and definitions:

Ancillary use: That which is commonly subordinate to or incidental to a principal or primary use – also see *Accessory Structure or Use*.

Façade: The exterior walls of a building which is adjacent to or fronting on a public right-of-way or other public area; typically the front of a building, but also includes any side or rear of a building facing a public right-of-way or other public area.

AMEND Article X, INDIVIDUAL USES, Section 102A-1013. Mixed use building, to be re-written as indicated below:

Sec. 102A-1013. Mixed use building.

(a) Mixed use buildings are allowed uses in the O&I(P) planned office ~~and &~~ institutional, C1(P) planned local business, C2(P) planned service and retail, and C(P) planned commercial districts with the ~~ground-floor~~ non-residential use determining the method of approval required, as specified in Section 102A-403, for the entire structure (i.e., site plan review, special use permit or conditional use district and permit).

(b) Residential uses within a mixed use building shall not exceed 40 percent of the total ~~are restricted to the second floor area, and above~~ with a minimum of 60 percent of the ~~ground~~ floor area of all structures devoted to the ~~use being an allowed~~ non-residential use (s) as within the specific zoning district of the property.

(c) All “for sale” residential units are subject to the provisions governing unit ownership developments (condominium developments) in the Town Subdivision Ordinance ~~Chapter 86~~.

(d) The development must be served by public or community water and sewer.

(e) The subject property must have direct vehicular access to a paved public right-of-way.

(f) Off-street parking shall be provided in accordance with Article XIII ~~of this ordinance~~ for the non-residential use, and one and one-half off-street parking spaces for each residential unit. Shared parking shall be encouraged and permitted when it can be substantiated that the hours of operation of the non-residential use are restricted to daylight hours and will not adversely affect the residential parking needs.

(g) The minimum lot area per residential unit shall be 1,000 square feet not including the lot area utilized by the non-residential use. The site plan must provide the calculations indicating compliance with this provision.

(h) Sidewalks are required in accordance with the standards of the Town Subdivision Ordinance ~~Chapter 86~~.

(i) A fee in lieu of dedication of on-site parks, recreation, and open space is mandatory for each new residential unit. This fee is to be calculated in the same manner as established in the provisions governing parks, recreation and open space in the Town Subdivision Ordinance ~~Chapter 86~~.

(j) Except where the structure to be used as a mixed use building is of historical significance, the façade of the buildings approved for mixed use in a non-residential district shall be of a commercial design.

(k) There shall be no ancillary, accessory or incidental residential use of the property within view of a public street.

AMEND Article X, INDIVIDUAL USES, Section 102A-1013. Recreation or amusement, public/private and indoor/outdoor, by REPEALING sub-section (c) as indicated below:

(c) Repealed ~~When the facility is operated outdoors, the hours of operation shall be between sunrise and sunset.~~