

The main motivations behind the changes we are proposing to the Zoning Ordinance for the Town of Burnsville center around these areas:

1. Complying with the required statutory changes land use changes instituted in NCGS 160D.
2. Making the Zoning Ordinance more user-friendly and easier to locate regulations for both staff and the general public
3. Adding to our existing regulations and definitions to clarify language and increase development opportunities.

As you are aware the Planning Board is required to review the proposed changes to the Ordinance and make a written recommendation to the Town Council. We are sending each of you a written and digital copy of our working document that has the comments section along the right side which provide some clarification for which changes have been made and the motivation behind that change. The final document will not have this comment section as it is just used to note changes that have been made in this process.

With the State Legislature instituting the changes in NCGS 160D it fell to us to revise our Zoning Ordinance to comply with these changes. We have followed the guidelines sent to us for this process and have tried to make notations regarding any changes that are required by NCGS 160D in the comments section. The Legislature has set July 1, 2021 as the date to have the 160D revisions made and adopted by Ordinance. Practically this means the Town Council has to hold a public hearing and adopted the changes by their June 3, 2021 meeting.

The Zoning Ordinance we have been operating under since 2014 has several areas that are difficult to navigate for both the general public and staff. We have made several organizational changes, as recommended by the Land Use Plan, to improve the usability of the document and also to help staff make sure that items are not missed during the application process. Sections such as use restrictions for each district were following a cascading pattern in which allowed uses for one district were carried over to other districts without being repeated in the text for that district. This created the need to check all the uses in each subsequent district in to make sure this cascading pattern did not have a provision for that use. The amended ordinance incorporates a simple chart of uses with all districts represented and the allowed uses clearly indicated in one Ordinance section without the need to search back and forth between sections. This makes it much more user friendly for a lay person who is trying to determine whether a particular use is allowed on their property and much easier for staff to explain.

Our current ordinance had many regulations for items that were not defined in the Ordinance at all. Also, there were several development types that our current ordinance did not have regulations for. We have increased our definitions and added provisions which allows for a “permitted with standards” designation. This means a use

that is allowed by right automatically has some “standard” attached to it. Several of these standards were already in the text of the current ordinance but the use itself was not designated as having additional standards. These standards have also allowed us to reduce the number of developments that will require a special use hearing which was a recommendation of the Land Use Plan. The idea being if the added standards are adequate the ordinance shouldn’t over complicate the approval process with an unnecessary quasi-judicial hearing.

The Comprehensive Land Use Plan of 2021 that we adopted recently identified several recommended changes to our existing ordinance that we have also tried to implement in this document. Increasing the opportunities for infill development as well as clarifying some of the regulations and definitions within our ordinance should help promote development and increase the overall tax base for the Town.

It is our hope that by providing this document to each of you along with the noted changes that it will assist the process of have an ordinance passed by the June 3, 2021 deadline. We are sure that through this process there will be some corrections and changes that will need to be made. We have established a separate email account that will only be used for staff to answer questions or address corrections about this document during this process.

The email address is: zoning2021@townofburnsville.org

Please feel free as you review this document to ask any questions or notify us of any corrections that need to be made within the document itself using this email. We will preserve these questions and notations and have them printed for review at individual board meetings on this topic.

Thank you all for your assistance on this project



Heather Hockaday
Town Administrator



Brian Buchanan
Zoning Administrator