

Public Hearing I Proposed Text Amendment

Section 6.5 of the UDO



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Planning Director
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Background

- At the July 21, 2022 meeting of the Planning Board, the Board considered an amendment to Section 6.5 of the Unified Development Ordinance (UDO) at the request of one of the members
- The proposed amendment would change the use category of “Restaurants, including fast food & drive thru services” from a special use in the Community Business (CB) district to not permitted in the CB
- The Planning Board voted 4-1 to recommend Town Council approve the proposed amendment and adopt a statement of consistency drafted by the Board

Current Ordinance Consideration

- Section 6.5 – Table of Uses and Activities includes two classifications for restaurants “Restaurants, excluding fast food & drive thru services” and “Restaurants, including fast food & drive thru services”
- Neither of these uses are defined within the UDO
- “Restaurants, excluding fast food & drive thru services” are a permitted use in the CB and Commercial – Low Density (C-LD) zoning district
- “Restaurants, including fast food & drive thru services” are a special use in the CB district and a permitted use in the CLD district

Proposed Ordinance Consideration

- The proposed ordinance would amend Section 6.5 – Table of Uses and Activities to remove “Restaurants, including fast food & drive thru services” as a special use in the CB district
- It would remain as a permitted use in the C-LD district

Adopted Plan Considerations

- The current CB districts fall within areas that the Town of Oak Island Comprehensive Land Use plan considers appropriate for "Thoroughfare Commercial", "Neighborhood Commercial", and "Commercial Mixed Use"

Map 23: Future Land Use

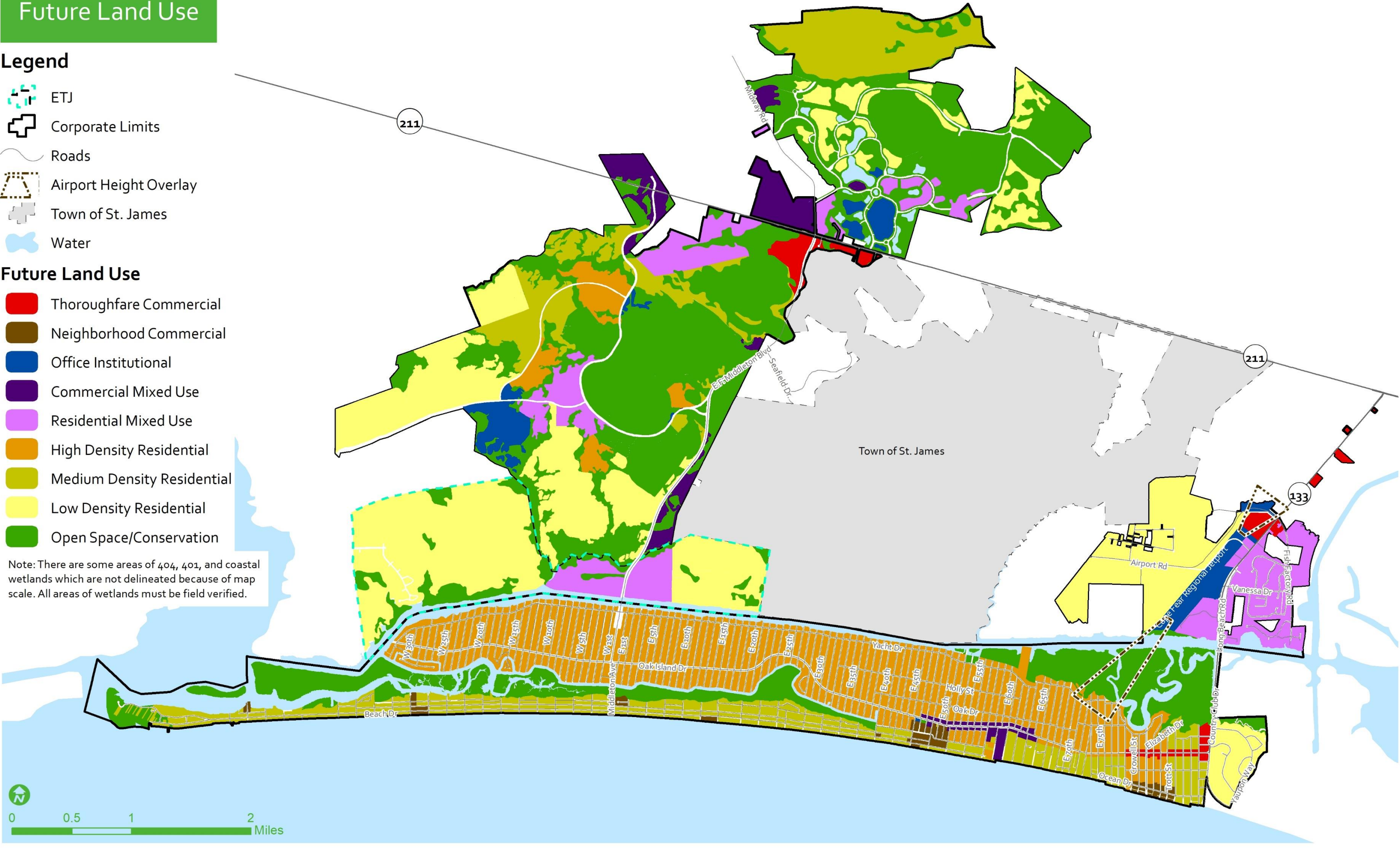
Legend

- ETJ
- Corporate Limits
- Roads
- Airport Height Overlay
- Town of St. James
- Water

Future Land Use

- Thoroughfare Commercial
- Neighborhood Commercial
- Office Institutional
- Commercial Mixed Use
- Residential Mixed Use
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Open Space/Conservation

Note: There are some areas of 404, 401, and coastal wetlands which are not delineated because of map scale. All areas of wetlands must be field verified.



Planning Best Practices

- Drive-thru businesses can have a negative affect on walkability, and some jurisdictions have limited their use in walkable districts
- However, fast-food businesses have in most cases modified their operations to fit within walkable districts and have walk-up services or pick up without a drive-thru aisle and the associated vehicle traffic
- Further, without a definition in the ordinance the use category is very broad and could be considered to affect existing restaurants with walk-up or pick-up services

Planning Board Action

At their July 21, 2022 meeting the Planning Board voted 4-1 to recommend Town Council adopt the text amendment finding that it is:

Consistent with the 2017 Comprehensive Land Use Plan adopted January 10, 2017. More specifically, furthering stated Goals 1, 4 and 8 by improving the quality of life and maintaining the “family beach” atmosphere, supporting the community appearance as an important tool for economic development and neighborhood preservation and by addressing negative environmental impacts on the Town by restricting drive through restaurants from Community Business District zones and affirming their use in the Commercial Low Density District zones

Planning Board Recommendation

Motion to approve the proposed amendment to Section 6.5 of the Unified Development Ordinance and adopt the Planning Board statement that it is consistent with the adopted plans of the Town as well as reasonable and in the public interest. 6

Staff Recommendation

Motion to deny the proposed amendment to Section 6.5 of the Unified Development Ordinance as the Council finds that the proposed amendment is not consistent with the Future Land Use Sectors that encapsulate the CB zoning districts and not reasonable and in the public interest.