Minutes

Morganton Planning & Zoning

April 13, 2023

Members Present: Members Absent:

Hank Dickens, Chairman Eric Engstrom

Pete Wallace, Vice Chairman

Judy Francis

Waits Gordon

Rick Lingerfelt

Erin Kizer

Don Smith

Bill Lennon

Also present from the City staff were Wendy Smith, Director Development & Design; Louis Vinay, City Attorney; Jackie Cain, Administrative manager

1. **OLD BUSINESS:**

**Item 1: Review and approval of** **minutes.**

Mr. Dickens stated a minutes from the December 8, 2022

were provided for review. Minutes were approved as submitted. (9-0)

**Item 2: Review of City Council action since last meeting**

Mr. Dickens stated Ms. Smith would review action taken by city council. Ms. Smith stated city council met January 9, 2023 and reviewed the request for approval of an Alternative Design for WPCC Trade Bldg located at 1001 Burkemont Ave.-Landscaping. City Council approved the request.

**II. APPEARANCES:**

Mr. Dickens stated this time is set-aside for individuals to come before the planning board to express any planning related concerns to the planning board.

None.

1. **NEW BUSINESS:**

**Item 1**: **Changes to setbacks to support townhome-style development**

Mr. Dickens asked for Ms. Smith to review this item.

Ms. Smith reviewed the agenda referring to commission packet. She stated staff provided information in their packet for

text amendments and staff would review and present them to commission. She stated the first was the current ordinance and setbacks for townhome-style developments.

Consideration of City of Morganton Zoning Ordinance text amendments for:

* Changes to setbacks to support townhome-style development,
* Changes to clarify performance standards and provide additional options for performance standard points,
* Changes for compliance with North Carolina General Statutes (NCGS) Chapter 160D, and
* Minor amendments to modify or clarify current requirements and address typographical errors.

**Item 1**: **Changes to setbacks to support townhome-style development**

Ms. Smith summarized the changes:

Recent proposals for townhome-style development outside of the CBD has revealed that setbacks for attached multi-family dwellings that were permitted under the pre-2014 zoning ordinance were inadvertently omitted from the new 2014 zoning ordinance. It is the intent of the City of Morganton to support this type of development within the City, and updates are proposed to Table 4.3 Performance Residential Density and Dimensional Standards to permit this development type. Additional changes to maximum height are also proposed to support the proposed changes to performance standard options, discussed below. A summary of these changes is provided in Appendix A.

**Appendix A. Dimensional Standard Amendments**

Edits to Table 4.2:

Remove A1, A2, B, C, D, E, F above headings

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TABLE 4.2: BASE RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS** | | | | | | | | |
| District | | ~~A1~~  Base Max. Residential Density | ~~A2~~  Residential Min. Lot Size1  (Square feet)1 | ~~B~~  Min. Lot Width (feet) | ~~C~~  Front Setback (feet) | ~~D~~  Side Setback (feet) | ~~E~~  Rear Setback (feet) | ~~F~~  Max. Height (feet) |
| LID | | 2 DUA | 20,000 | 80 | 30 | 10 | 25 | 35 |
| MID | | 2 DUA | 20,000 | 70 | 20 | 10 | 20 | 35 |
| HID | | 6 DUA | 6,000 | 60 | 20 | 10 | 20 | 35 |
| CBD | | N/A | N/A | N/A | 0 min. | N/A | N/A | 35 |
| 5 max. |
| EID | 2 | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| SID | | N/A | N/A | 50 | 20 | 10 | 20 | 65 |
| N/A=Not applicable DUA=Dwelling Units per Acre  1 The minimum lot size for infill development of less than two (2) acres shall be equal to the average of all lots within 200 feet of the property. 2Residential Performance Standards do not apply in EID. | | | | | | | | |

Clarify that these residential performance standards do not apply in the EID zone.

~~A~~

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **TABLE 4.3 PERFORMANCE RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS** | | | | | | |
| District | ~~A~~  Performance Max. Residential Density1 | ~~B~~  Residential Min. Lot Width  (feet)2 | ~~C~~  Front Setback (feet) | ~~D~~  Side Setback  (feet) | ~~E~~  Rear Setback  (feet) | ~~F~~  Max. Height  (feet) |
| LID | 6 DUA | 60-detached | 25 | 5 | 20 | 35 |
|  |  | 25-attached | 103 | 03 | 153,4 |  |
| MID | 10 DUA | 50-detached | 20 | 5-detached | 154 | 50 |
|  |  | 25-attached | 103 | 0-attached |  |  |
| HID | 20 DUA | 40-detached | 20 | 5-detached | 54 | 11-17 points = 50 |
|  |  | 25-attached | 103 | 0-attached |  | 18 points and up = 65 |
| CBD | N/A | N/A | 0 min. | N/A | N/A | 11-17 points = 50 |
|  |  |  | 5 max. |  |  | 18 points and up = 65 |
| EID5 | N/A | N/A | N/A | N/A | N/A | N/A |
|  |  |  |  |  |  |  |
| SID | N/A | 40-detached | 20 | 5-detached | 5 | 65 |
|  |  | 25-attached |  | 0-attached |  |  |

N/A=Not applicable  
 DUA=Dwelling Units per Acre  
1There is no minimum [lot](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=595) size for residential [developments](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=500) utilizing the [performance standards](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=659)

of Section [4.3](http://online.encodeplus.com/regs/morganton-nc/doc-viewer.aspx?ajax=0&tocid=001.005.004). All districts shall be density-based.  
2Detached [lot widths](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=607) apply to detached [dwelling units](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=508), and attached lot widths apply to attached

dwelling units. Any lots of less than 50 feet in width shall be alley-loaded and shall not have driveways accessing the fronting [street](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=748).

3Multi-family dwellings type 2

4Garage doors for multi-family dwellings type 2 shall be set back a minimum of 18 feet

5Residential Performance Standards do not apply in EID.

Mr. Dickens asked if height standards could be inserted here. He stated especially in relation to a slope.

Ms. Smith stated definitions lists the height requirements and provide explanation there.

Mr. Dickens asked if we could add a reference here.

Ms. Smith stated yes.

Ms. Smith continued to explain the definitions for multi-family dwellings.

**TABL**Edits to Table 4.3:

Remove A, B, C, D, E, F above headings

Changes to setbacks for multi-family dwellings type 2 (A residential building that contains three (3) or more dwelling units, where no dwelling unitsare placed wholly or partly vertically above another dwelling unit - includes condominiums, apartment complexes, and townhomes.)

Changes to allowable height depending upon performance standard points received

Changes to setbacks for garages for multi-family dwellings type 2

Clarify that these residential performance standards do not apply in the EID zone.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **TABLE 4.4: NON-RESIDENTIAL DIMENSIONAL STANDARDS** | | | | | | |
| District | ~~A~~  Min. Lot Size  (Square feet) | ~~B~~  Min. Lot Width  (feet) | ~~C~~  Front Setback  (feet) | ~~D~~  Side Setback  (feet) | ~~E~~  Rear Setback  (feet) | ~~F~~  Max. Height  (feet) |
| [LID](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=375) | 40,000 | 100 | 30 | 10 | 25 | 35 |
| [MID](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=378) | 20,000 | 80 | 20 | 10 | 20 | 35 |
| [HID](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=373) | 10,000 | 60 | 20 | 10 | 20 | ~~\*~~351 |
| [CBD](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=365) | N/A | N/A | N/A | N/A | N/A | ~~65~~ 35 |
| [EID](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=368) | 20,000 | 50 | 50 | 50 | 50 | 65 |
| [SID](http://online.encodeplus.com/regs/morganton-nc/doc-view.aspx?pn=0&ajax=0&secid=388) | N/A | 50 | 20 | 10 | 20 | 65 |
| N/A=Not applicable  [~~\*=~~1See Exception Section 4.2.5 (F)](http://online.encodeplus.com/regs/morganton-nc/doc-viewer.aspx?ajax=0&tocid=001.005.003.005) | | | | | | |

Edits to Table 4.4:

Change to superscript notation to match other tables in document

Change to maximum allowable height in CBD without performance standard points

Mr. Dickens asked about the table on page B-3 (Maximum possible points) and how that would be applied to the non-residential standards.

Ms. Smith explained as she reviewed the changes to performance standards it would provide more clarity.

Mr. Dickensistrict

**Item 2**: **Changes to clarify performance standards and provide additional options for performance standard points**

Other recent development proposals have revealed a need for greater clarity, and additional options, for performance standard points for some lots. Additional details are proposed to some existing performance standards to confirm the intent of points allowed, with some areas being provided a gradation of points depending upon the level of improvements provided. A few additional options for performance standard points have also been added to align with advancement in technology, such as the use of pervious pavers and electric vehicle charging. A summary of these changes is provided in Appendix B.

**Appendix B. Performance Standards Amendments**

|  |  |  |  |
| --- | --- | --- | --- |
| **TABLE 4.5: PERFORMANCE POINTS DENSITY BONUS SCALE** | | | |
| Performance Points | | | Allowable Density Increase |
| (dwelling units per acre up to maximum for district) |
| ~~9‐11~~ 11‐13 | | | 2 |
| ~~12‐15~~ | 14‐17 |  | 4 |
| ~~16‐19~~ 18‐21 | | | 8 |
| ~~20‐26~~ | 22‐28 |  | 16 |
| ~~27 and up~~ 29 and up | | | Limited only by Height Limit |

Ms. Smith explained how to achieve points.

Mr. Dickens stated he was a proponent of the pervious paving. He mentioned if staff had thought of adding approaches to water harvesting. Would this be a consideration?

Ms. Smith stated she would discuss with the engineering department.

She added that as these are considerations and during a comprehension plan it is anticipated there to be re-write of the zoning ordinance.

**Table 4.6 PERFORMANCE STANDARD OPTIONS**

**Performance Criteria Points if**

**Performance Standard Met**

**Landscaping‐Section 4.4**

(At least 2 points must be for landscaping)

Buffer Yard (or in CBD) 1 (or 2 with fence)

1. for base standard in CBD
2. for performance standard in CBD

Street Yard (or in CBD) 1

Street Yard with fence provided adjacent to railroad ROW 1

Parking Lot Yard 1

Building Yard 1

Residential Yard 1

Retention of All Existing Trees over 8”DBH 1

**Open Space‐Section 4.5**

(At least 1 point must be for Open Space ~~(choose 1 option)~~)

Infill development of 2 acres or less1 3

20% of total development area1 (or in CBD) 1

30% of total development area1 (or 10% of total development area in CBD) 2

40% of total development area1 3

Fulfills park or greenway on adopted plan 1 (bonus point)

Non‐residential, not in CBD1 1

|  |  |  |
| --- | --- | --- |
| **Infrastructure-Section 4.7**  (At least ~~2~~ 3 points must be for Infrastructure) | | |
| ~~Redevelopment of site with existing buildings and infrastructure~~ | ~~5~~  ~~6 in CBD~~ |
| Reuse of a previously developed site with services available to site (power, water, sewer), regardless of existing structures on site2 | 3  or 4 in CBD |
| Initial development of a vacant infill site with no previous development2 | 1 |
| Redevelopment of brownfield site, where remediation is part of the development | 1 |
| [Connectivity Ratio](#_Streets) (or in CBD) | 1 |
| New [Sidewalk~~s~~](#_Sidewalks) (one side of street) | 1 |
| New [Sidewalks](#_Sidewalks) (both sides of street) | 2 |
| Existing lots with no street frontage shall automatically receive one point for sidewalks | 1 |
| Upgrade existing sidewalk to comply with current standards | 1 |
| [Decorative Street Lighting](#_Lighting_Standards) | 1 |
| Addition of Street Level Retail on Multiple Level Multi-use Development (CBD) | 6 |
| Addition of Pervious Paved or Indoor Parking-1 Space per unit (CBD) | 4 |
| Use of Pervious Paving for 20% of driving or parking surfaces (outside CBD) | 1 |
| Universal Electric Vehicle Charging Stations (minimum 1 per 30 dwellings units for residential or 1 per 30 parking spaces for non-residential) | 1 |
| [**Building Design-Section 4.8**](#_Residential_Performance_Building)  (At least ~~4~~ 5 points must be for building design) | | |
| ~~Redevelopment of existing building~~ | ~~5~~  ~~6 in CBD~~ |
| Redevelopment of an existing building with services available to site (power, water, sewer), preserving 90% or greater of building shell3 | 5  6 in CBD |
| Redevelopment of an existing building with services available to site (power, water, sewer), preserving 50% or greater of building shell3 | 3  4 in CBD |
| Redevelopment of existing site with existing buildings such that a new building wall is brought in line with current front setback requirements (CBD only)3,4 | 6 |
| [Wall Materials](#_Residential_Performance_Building) | 1 |
| [Roofs](#_Residential_Performance_Building) | 1 |
| [Garages](#_Residential_Performance_Building) | 1 |
| Garages meeting 4.8.5.1.C provided for 20% of multi-family dwelling units on the site | 1 |
| [Façade Articulation](#_Residential_Performance_Building) | 1 |
| [Porches and/or Balconies](#_Residential_Performance_Building) | 1 |
| [Porches and/or Balconies](#_Residential_Performance_Building) for 50% of total number of units not facing front façade | 1 |
| [Windows](#_Residential_Performance_Building) | 1 |
| [Foundation](#_Residential_Performance_Building) (or in CBD) | 1 |
| **Affordable Housing-Section 4.9**  (4 points may be used as bonus points or 2 points may be used for Building Design Standards and 2 points for bonus points) | | |
| Construction of housing receiving NCLIHTC Program funding | 4 |

|  |  |
| --- | --- |
| **~~Maximum possible points~~** | **~~54~~** |
| 1Mutually exclusive open space provisions |  |
| 2Mutually exclusive infrastructure provisions |  |
| 3Mutually exclusive building design provisions |  |
| 4The existing building does not have to be retained. |  |
|  |  |
|  |  |

Ms. Smith reviewed the highlighted changes in the table.

Mr. Wallace questioned the number of points for balconies.

Mr. Dickens questioned roofs and variety of points for roofing materials. Adding solar panels could also be given points.

Ms. Smith stated she would note these items for consideration.

Mr. Wallace stated he would like to re-visit height requirements in CBD.

Ms. Smith stated the current base height is 35 feet, if you get minimum 9 points, then you can get up to 65 feet height.

Mr. Wallace stated that is a big change for Morganton.

Ms. Smith stated yes, to get the height then you must do nice things noting that you can go more than 2 stories higher than the average of the existing buildings on your block.

Mr. Wallace stated that if there were no other buildings on the block then you could go 65 feet.

Ms. Smith stated yes, the tanks at the brewery are the highest structure and the hotel which is 4 stories.

Ms. Smith provided examples within our downtown.

Mr. Gordon asked if we have capability for fire to reach in CBD.

Ms. Smith stated yes, there were other requirements for this to work.

Ms. Francis stated there other small towns that are making this work. Having a vision is what we are working towards.

Ms. Smith stated having wide downtown streets makes this work for Hendersonville and Statesville. City of Morganton has narrow streets. This causes the streets to be shaded due to the heights of the building.

**Item 3**: **Changes for compliance with North Carolina General Statutes (NCGS) Chapter 160D**

Chapter 160D of the North Carolina General Statues was the first major recodification and modernization of the city and county development regulations since 1905. To comply with this new statutory framework, every city and county development regulation in the state was to be updated to conform to the legislation by July 1, 2021. While the City of Morganton did make most changes required for compliance with the new statute in 2021, two areas have been identified that require additional updates:

* The current City of Morganton Zoning Ordinance in some places continues to refer to Chapter 160A (the previous statute), rather than the current NCGS Chapter 160D, and
* Chapter 160D requires the expiry period of a Zoning Permit to be one year, while the Zoning Ordinance currently states 180 days.

Updates to these areas are provided in Appendix C. It is further noted that while Appendix C currently proposes changing every reference to 160D, the exact references within 160D to specific sections are proposed to be updated prior to presentation to City Council.

Ms. Smith stated she would not review each location within our ordinance which contained 160A, but those locations would be changed to reference 160D. She added the zoning permit time period would reflect one (1) year

Mr. Dickens questioned the verbiage under General Provisions H. A Zoning Permit ~~shall be issued in the name of the applicant (except that applications submitted~~ ~~by an agent shall be issued in the name of the principal), “~~in accordance with and provide more precise verbiage”shall identify the property involved and the proposed use from the Permitted Uses Table in Section 3.3, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit‐issuing authority.

Ms. Smith stated staff was updating the zoning application and these additions would be done so to match the application vice versa.

**Appendix C. NCGS Chapter 160D Amendments**

* 1. **Authority and Interpretation**
     1. **Zoning District Authority**
        1. In accordance with the requirement of NCGS ~~160A‐382~~ 160D‐605 that zoning regulation be by districts, the City, as shown on the Zoning Map accompanying this Ordinance, is hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

B. Zoning divides a City's territorial jurisdiction into districts, or zones, of any number, shape and area that may be deemed best suited to carry out the purposes of NCGS ~~160A‐382~~ 160D‐605. Within those districts, the municipality may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All regulations must be uniform for each class or kind of building throughout each district, but the regulations in one (1) district may differ from those in other districts.

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* 1. **Applicability**
     1. **Exemptions to Applicability**
        1. *(No change proposed)*

B. In accordance with NCGS ~~160A‐360(k)~~ 160D‐202, property that is located in the extraterritorial jurisdiction (ETJ) and that is used for bona fide farm purposes is exempt from zoning regulations. Property that is located in the ETJ and that ceases to be used for bona fide farm purposes shall become subject to zoning regulations.

*C. (No change proposed)*

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* 1. **Conformance with Adopted Plans and Right‐of‐Way Dedication**
     1. In accordance with the requirement of NCGS ~~160A‐383~~ 160D‐604, the regulations adopted pursuant to this Ordinance shall be consistent with the comprehensive Mission 2030 Plan and any specific plans adopted by the City Council. All new developments shall be designed in conformance with adopted plans including but not limited to adopted comprehensive plans, comprehensive transportation plans, small area plans, land use plans, parks and recreation plans and any other adopted plans.

*B. (No change proposed)*

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* 1. **Vested Rights and Development Agreements**
     1. **Purpose and Authority**
        1. Pursuant to NCGS ~~160A‐385.1~~ 160D‐108, and notwithstanding any other provision of this Ordinance or amendment thereto, a vested right shall be deemed established with respect to any property upon the valid approval of a site specific development plan or a phased development plan. Such vested right shall confer upon the landowner(s) the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan or the phase development plan including any amendments thereto.

*B. (No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Application and Consideration**
       1. *(No change proposed)*
       2. *(No change proposed)*
       3. A site specific development plan meeting the requirements of the Subdivision Ordinance, for subdivisions, or Section 2.2.3.3 of this Ordinance, for site plans, as applicable, shall be submitted. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation:

“Approval of this plan establishes a zoning vested right under NCGS ~~160A‐385.1~~ 160D‐108. Unless terminated at an earlier date, the zoning vested right shall be valid until .”

* + - 1. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Approval and Establishment of Vested Rights**
       1. *(No change proposed)*
          1. *(No change proposed)*
          2. *(No change proposed)*
          3. *(No change proposed)*
          4. *(No change proposed)*
          5. *(No change proposed)*
          6. *(No change proposed)*
          7. *(No change proposed)*
          8. Upon issuance of a building permit the expiration provisions of NCGS 140A‐418 and the renovation provisions of NCGS ~~160A‐422~~ 160D‐403 shall 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.
       2. *(No change proposed)*
       3. *(No change proposed)*
       4. *(No change proposed)*
       5. This Section shall not apply to development agreements approved in accordance with NCGS ~~160A‐~~ ~~400.2‐32~~ 160D‐1001 et seq. which may be approved by the City Council.

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* + 1. **Subsequent Changes and Termination**
       1. A vested right, once established as provided in this chapter, precludes any zoning action by a City which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan except to the extent permitted in this chapter and consistent with NCGS ~~160A‐385.1~~ 160D‐108.

*B. (No change proposed)*

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* + 1. **Voluntary Annexation**

A petition for annexation filed with the City shall contain a signed statement declaring whether or not any zoning vested right with respect to the property subject to the petition has been established under NCGS ~~160A‐385.1 or 153.344.1~~ 160D‐108. A statement that declares that no zoning vested rights has been established under NCGS ~~160A‐385.1 or 153.344.1~~ 160D‐108 or the failure to sign a statement declaring whether or not a zoning vested right has been established shall be binding on the landowner and any zoning vested right shall be terminated.

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* + 1. **Development Agreements**

Development Agreements may be approved by the City Council in accordance with NCGS ~~160A‐400.2‐32~~ 160D‐1001 et seq..

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**1.8 Effective Date**

These regulations shall become effective on January 1, 2015. Upon such date, these regulations shall supersede, repeal and replace the City of Morganton Zoning Ordinance. The amendments to the City’s Zoning Map which remove from and relinquish jurisdiction over certain areas outside the City’s corporate limits over which the City previously exercised extra‐territorial jurisdiction under Article ~~19~~ 2 of Chapter ~~160A~~ 160D of the North Carolina General Statutes shall take effect sixty (60) days after the date of adoption of this Ordinance, or on such earlier date on which the County of Burke shall adopt zoning and land use regulations governing the areas over which the City has relinquished extra‐territorial jurisdiction.

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**2.1 Administration**

**2.1.3.3 Powers and Duties**

The Planning & Zoning Commission is created to carry out the powers and duties as provided for in NCGS ~~160A‐361~~ 160D‐301. The Planning & Zoning Commission shall serve in an advisory capacity to the City Council and shall provide recommendations to the Council pertaining to zoning amendments and other matters as designated in NCGS ~~160A‐361~~ 160D‐301 including:

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Board of Adjustment**
       1. **Rules of Procedure**
          1. The Board of Adjustment shall adopt and from time‐to‐time amend rules of procedure that are consistent with NCGS ~~160A‐388~~ 160D‐302 and 160D‐406 and govern election of officers, attendance, and meeting and voting procedures.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Powers and Duties**

The Board of Adjustment shall have the following powers and duties:

* + - * 1. *(No change proposed)*
        2. *(No change proposed)*
        3. *(No change proposed)*
        4. *(No change proposed)*
        5. *(No change proposed)*
        6. *(No change proposed)*
        7. *(No change proposed)*
        8. To serve as the Morganton Housing Appeals Board pursuant to NCGS ~~160A‐446~~ 160D‐305.
        9. *(No change proposed)*

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* + 1. **City Council**

The City Council shall hold the following powers and duties related to this Ordinance:

* + - 1. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*
      4. *(No change proposed)*
      5. To enter into development agreements per NCGS ~~160A‐400.2‐32~~ 160D‐1001 et seq.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Procedures**
     1. **Zoning Permits**
        1. **General Provisions**
           1. *(No change proposed)*
           2. *(No change proposed)*
           3. *(No change proposed)*
           4. *(No change proposed)*
           5. *(No change proposed)*

F. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Permit provided that such action ~~is~~ as authorized by the Permit is commenced within ~~180 days~~ one (1) year of issuance and provided that all other permits are obtained. Otherwise the Permit shall be void.

*G. (No change proposed)*

H. A Zoning Permit ~~shall be issued in the name of the applicant (except that applications submitted~~ ~~by an agent shall be issued in the name of the principal),~~ shall identify the property involved and the proposed use from the Permitted Uses Table in Section 3.3, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit‐issuing authority.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. *(No change proposed)*
5. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Variance Procedures Step 3. Notice of Public Hearing**

The Zoning Administrator shall provide notice of the public hearing in the following manner as prescribed by NCGS ~~160A‐388~~ 160D‐406. Notice of Board of Adjustment hearings shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property

that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. In the absence of evidence to the contrary, the City may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right‐of‐way.

**Step 4. Board of Adjustment Public Hearing and Decision**

* + - 1. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*
      4. *(No change proposed)*
      5. *(No change proposed)*
      6. Every quasi‐judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS ~~160A‐393~~ 160D‐1402. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance this Section. When first‐class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.
      7. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Appeal Procedures**

**Step 1. Pre‐Application Discussion (optional)**

* + - 1. *(No change proposed)*
         1. Any person who has standing under NCGS ~~160A‐393(d)~~ 160D‐1402, or the City, may appeal a decision to the Board of Adjustment.
         2. *(No change proposed)*
         3. *(No change proposed)*
         4. *(No change proposed)*
         5. *(No change proposed)*
         6. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*

**Step 3. Notice of Public Hearing**

The Zoning Administrator shall provide notice of the public hearing in the following manner as prescribed by NCGS ~~160A‐388~~ 160D‐302 and 160D‐406. Notice of hearing shall be mailed to the person or entity whose application is the subject of the hearing, to the owner of the property that is the subject of the hearing (if the owner did not initiate the hearing), and to owners of property adjacent to the property for which the Variance is requested. The mailed notices shall be deposited in the mail at least 10 days, but no hearing on the site that is the subject of the hearing on an adjacent street or highway right‐of‐way. This notice shall be posted at least 10 days, but no more than 25 days, prior to the date of the hearing.

Step 4. Board of Adjustment Public Hearing and Decision

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. When hearing an appeal pursuant to NCGS ~~160A‐400.9(e)~~ 160D‐947, or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in NCGS ~~160A‐393(k)~~ 160D‐1402.
5. *(No change proposed)*
6. *(No change proposed)*
7. Every quasi‐judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS ~~160A‐393~~ 160D‐1402. A petition for shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first‐class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Certificate of Nonconformity Adjustment Procedures Step 3. Notice of Public Hearing**

The Zoning Administrator shall provide notice of the public hearing in the following manner as prescribed by NCGS ~~160A‐388~~ 160D‐406. Notice of hearing shall be mailed to the person or entity whose application is the subject of the hearing, to the owner of the property that is the subject of the hearing (if the owner did not initiate the hearing), and to owners of property adjacent to the property for which the Variance is requested. The mailed notices shall be deposited in the mail at least 10 days, but no more than 25 days, prior to the date of the public hearing. The City shall also prominently post a notice of the hearing on the site that is the subject of the hearing on an adjacent street or highway right‐of‐way. This notice shall be posted at least 10 days, but no more than 25 days, prior to the date of the hearing.

**Step 4. Board of Adjustment Public Hearing and Decision**

* + - 1. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*
      4. Every quasi‐judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to NCGS ~~160A‐393~~ 160D‐1402. A petition for review for shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first‐ class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Zoning Map Amendments (Rezonings)**

Step 7. City Council Public Hearing and Decision

* + - 1. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*
      4. Approval of a map amendment shall require a simple majority of City Council members present. In case, however of a protest against such change meeting the requirements of NCGS ~~160A‐385(a)~~ 160D‐601 et seq., an amendment shall not become effective except by favorable vote of three‐ fourths (3/4) of all members of the City Council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the Article as a result of annexation or otherwise.
      5. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**2.3 Enforcement**

**2.3.4.5 Stop Work Orders**

Whenever a building, structure, sign, or part thereof is being constructed, reconstructed, altered or repaired in violation of this Ordinance, the Development and Design Services Department may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage and the conditions under which the work may be resumed. Such action shall be in accordance with NCGS ~~160A‐421~~ 160D‐1114 or the NC Building Code.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Additional Conditions for Certain Uses**
     1. **Residential Uses**
        1. *(No change proposed)*

1. Accessory Structures (Residential)
   1. *(No change proposed)*
   2. *(No change proposed)*
   3. *(No change proposed)*
   4. *(No change proposed)*
   5. *(No change proposed)*
   6. *(No change proposed)*
   7. *(No change proposed)*
   8. *(No change proposed)*
   9. Temporary health care structures as defined by NCGS ~~160A‐383.5~~ 160D‐915 are permitted as residential accessory structures provided that the following limitations are met:
      1. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*
      4. *(No change proposed)*
      5. *(No change proposed)*
      6. *(No change proposed)*
      7. *(No change proposed)*
      8. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Certificate of Nonconformity Adjustment**

A Certificate of Nonconformity Adjustment may be granted by the Board of Adjustment to enlarge, expand, or otherwise alter a nonconforming use or structure as set forth in this Article.

* + 1. (*No change proposed)*

B. The Board of Adjustment shall conduct a public hearing on the application in accordance with the requirements of Section 2.2.6 in the manner prescribed in NCGS ~~160A‐388~~ 160D‐705.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**APPENDIX A DEFINITIONS**

**A.4 Definitions**

**TEMPORARY HEALTH CARE STRUCTURE*.*** A transportable residential structure permitted under NCGS ~~160A‐383.5~~ 160D‐915 providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and NCGS 143‐139.1(b).

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**NECESSARY COMMISION ACTION**:

Motion to accept:

* + Amendments to the Zoning Ordinance to align with NCGS Chapter 160D. This action is consistent with the approved land use plan as it is simply aligning the City of Morganton Zoning Ordinance with NCGS Chapter 160D terminology and requirements.

**Item 4**: **Minor amendments to modify or clarify current requirements and address typographical errors.**

Ms. Smith stated there is a lot of information here for review.

Finally, a variety of minor edits have been identified that will facilitate consistent daily use of the Zoning Ordinance for both developers and staff. A short summary of the changes is provided below, with details of the specific changes provided in Appendix D:

* Clarify that a Zoning Permit is a Notice to Proceed by replacing “Notice to Proceed” with “Zoning Permit”;
* Add “Electric Substation” as a permitted use in all zones;
* Amend regulations for keeping of fowl to align with Part 8 of the City of Morganton Code of Ordinances;
* Amend buffer yard landscaping requirements to confirm this type of landscaping is not required for development in the CBD, where setbacks are not applicable and many types of mixed use development are expected;
* Amend fencing requirements to note that chain link fencing is not acceptable in the CBD, to match the requirements for the Corridor and River District Overlays;
* Amend fencing requirements to clarify that fencing for sensitive uses, such as utility sites, correctional facilities, and mining and quarrying uses, is permitted to be eight feet in height for security purposes;
* Clarify that performance standard points may be received for non-residential sidewalks and for sidewalk payments in lieu;
* Clarify that receipt of performance standard point for porches and balconies for multi- family dwellings requires a minimum of 50% of units facing the front façade to utilize those features and for single-family and two-family dwellings all dwellings must have one of those features;
* Require covenants for single-family and two-family lots within developments receiving altered dimensional and density standards for proposed use of performance standard points, such that homes constructed on those lots must meet the performance standard requirements;
* Amend definition of hotel so that the minimum number of rooms matches the definition for motel;
* Amend definition of multi-family dwellings to create distinction for multi-family uses that appear as individual dwellings, such as townhomes;
* Add definition for “utility sites” to encompass major utility uses;
* Edits to administration, procedures, and the landscaping, parking, infrastructure, and building standards to clarify current requirements and correct inconsistencies within the ordinance;
* Edits to amend references that currently point to sections of the ordinance that have been previously amended and no longer exist; and
* Edits to correct typographical errors.

**Appendix D. Proposed Text Amendments**

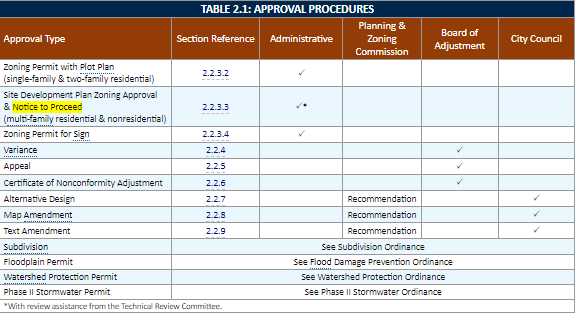
* 1. **Administration**
     1. **Zoning Administrator**
        1. *(No change proposed)*
        2. *(No change proposed)*
        3. *(No change proposed)*

D. The Zoning Administrator shall issue Zoning Permits, Site Plan Notices to Proceed, and Certificates of Zoning Compliance as prescribed herein.

*E. (No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Procedures**
     1. **Applicability**



Edit table: Site Development Plan Zoning Approval & Zoning Permit ~~Notice to Proceed~~ (multi‐family residential & nonresidential)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Zoning Permits**

**2.2.3.3 Zoning Permit Procedures for Multi‐family Residential and Non‐residential Development ~~Zoning Approval and Notice to Proceed~~**

Zoning Permits ~~and Notices to Proceed~~ for multi‐family residential and non‐residential development shall be approved administratively. The steps in the boxes below correspond with a detailed description of each step of the process on the following pages.

Step 4. Administrative Zoning Approval and Issuance of Notice to Proceed

If a Site Plan is found to meet all of the applicable regulations of this Ordinance, then the Zoning Administrator shall issue a Zoning Permit ~~Notice to Proceed inclusive of zoning a~~pproval.

Step 5. Applicant Obtains Building Permit

Following issuance of a Zoning Permit ~~Notice to Proceed~~ by the Zoning Administrator, the applicant may then obtain a Building Permit from the Development and Design Services Department.

inistrative Zoning

|  |  |  |
| --- | --- | --- |
| **Step 4** Adm Approval & Issuance  ~~Proceed~~ |  |  |
| Zoning Permit |  |

of ~~Notice to~~

Edit above text box: Step 4. Administrative Zoning Approval and Issuance of Zoning Permit ~~Notice to~~ ~~Proceed~~

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**2.2.6 Certificate of Nonconformity Adjustment Procedures**

Step 5: Additional Approvals (as required)

Following the approval of a Certificate of Nonconformity Adjustment by the Board of Adjustment, the applicant may need to obtain additional approvals which may include Zoning Permit, Notice to Proceed, and/or Building Permit approval before work may begin.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Zoning Text Amendments**

Step 3a/3b. Development and Design Services Department/Technical Review Committee Review

* + - 1. The Zoning Administrator and Development and Design Services Department shall review the proposed ~~map~~ text amendment and prepare a staff report with an assessment of how the ~~rezoning~~ amendment relates to the Comprehensive Plan and surrounding zoning and land uses. Staff shall also include all Technical Review Committee comments in the report.

*B. (No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Penalty**
       1. Violation of this Zoning Ordinance is a misdemeanor as provided in General Statutes 14‐4 and is punishable by a maximum fine, term of imprisonment, or infraction penalty, all as imposed and set forth in General Statutes 14‐4, as the same may be amended from time to time, which is incorporated herein by reference. A violation is also a civil violation and shall subject offenders to a civil penalty upon the issuance of a citation for said violations as hereinafter provided. ~~Violations of this Ordinance shall constitute either a misdemeanor, with a fine not exceeding 50~~ ~~dollars or imprisonment not exceeding 30 days, or, at the election of the City, shall subject the~~ ~~offender to a civil penalty upon the issuance of a citation for said violations as hereinafter~~ ~~provided.~~ The civil penalty, if not paid to the City within 15 days of the issuance of a citation, may be recovered by the City in a civil action in the nature of debt. Said civil penalties shall be in the amounts shown below for each violation and each day any single violation continues shall be a separate violation.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. *(No change proposed)*
5. *(No change proposed)*
6. *(No change proposed)*
7. *(No change proposed)*
8. *(No change proposed)*
9. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**3.2 Overlay Districts**

**3.2.4 River District Overlay (RD‐O)**

**3.2.4.3 Development Standards**

Non‐residential and multi‐family residential uses within the ~~Corridor~~ River District Overlay shall follow the development standards as outlined throughout ARTICLE 4 for landscaping, sidewalks, building design, parking placement, paving, curb and gutter.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Permitted Uses Permitted Uses Table**

Add use: “Electric substations”, permitted in all zones.

Edit use: Sewage collection lines, ~~pump~~ lift stations, & appurtenances

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Additional Conditions for Certain Uses**

**3.4.1 Agricultural Uses**

* + 1. *(No change proposed)*
    2. Livestock and Fowl Keeping (accessory to residential use)
       1. A two (2) acre minimum lot size is required for the keeping of livestock and fowl of greater than 15 pounds as an accessory use to a residential use. A one‐half (1/2) ~~(1)~~ acre minimum lot size is required for the keeping of livestock and fowl of 15 pounds or under as an accessory use to a residential use.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
   * 1. *(No change proposed)*
     2. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Other Uses**
       1. *(No change proposed)*
       2. *(No change proposed)*
       3. *(No change proposed)*

1. Temporary Uses
   1. *(No change proposed)*
   2. *(No change proposed)*
   3. *(No change proposed)*
   4. *(No change proposed)*
   5. *(No change proposed)*
   6. *(No change proposed)*
   7. *(No change proposed)*
   8. Mobile Food Vendors
      1. *(No change proposed)*
      2. *(No change proposed)*

c. *(No change proposed)*

1. Standards Associated with Operation
   1. Mobile Food Vendors are subject to the City noise ordinances, and may not use audio amplification. All equipment associated with such vendors must be located ~~w~~ithing three (3) feet ~~fo~~ of the food truck. The owner or individual in charge of the food ~~prepration~~ preparation/service facility is responsible for disposing of all trash associated with the operation of the ~~Movile~~ Mobile Food Vendor. City trash

receptacles may not be used to dispose trash or waste, nor should private trash receptacles without the owner’s permission. All areas within proximity of the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. *(No change proposed)*
5. *(No change proposed)*
6. *(No change proposed)*
7. *(No change proposed)*
8. *(No change proposed)*
9. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Density and Dimensional Standards**
     1. **General Provisions**
        1. *(No change proposed)*
        2. *(No change proposed)*
        3. *(No change proposed)*
        4. *(No change proposed)*
        5. *(No change proposed)*
        6. *(No change proposed)*
        7. *(No change proposed)*
        8. For vertically mixed residential and non‐residential buildings, the applicable dimensional standard table shall be Table 4.3 Performance Residential Density and Dimensional Standards.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Base Residential Density and Dimensional Standards**

For changes to Table 4.2, see Appendix A.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Maximum Residential Performance Density and Dimensional Standards**

Subject to the performance point system of Section 4.3, the following ~~dimensions~~ standards are the maximum residential performance density and dimensional standards for each zoning district.

For changes to Table 4.3, see Appendix A.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Non‐residential Dimensional Standards**

The following Nnon‐residential dimensional standards apply for each zoning district. Districts may be subject to density bonuses and reduced setbacks dimensional standards as noted in Section 4.2.3, subject to the performance standards of this Article.

For changes to Table 4.4, see Appendix A.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Performance Standards**
     1. **Performance Standards for Residential Development**

Dimensional standards may be altered, and density may be increased as indicated below up to the maximum density for the district as shown in the Maximum Residential Performance Density and Dimensional Standards Table in Section 4.2.3. Points can be accrued as indicated in the following categories of this Chapter. Numbers shall be rounded up when the calculation results in greater than 0.5 of a unit.

For changes to Table 4.5 and Table 4.6, see Appendix B.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Performance Standards for Non‐Residential Development**

Performance standards are required for non‐residential developments within the LID and MID zoning districts and the Corridor and River District Overlays ~~and for non‐residential development within~~ the LID and MID zoning districts as indicated in Section ~~3.4~~ 4.3.1. Performance standards ~~will be~~ are optional and ~~are~~ encouraged ~~for all other developments~~ in all other zoning districts.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Landscaping and Screening Standards**
     1. **General Standards for All Landscaping**
        1. *(No change proposed)*
        2. *(No change proposed)*
        3. *(No change proposed)*

1. Within 30 feet of overhead utility lines, two (2) small trees shall be used in lieu of each large tree required. Such small trees shall not reach a mature height of greater than 15 feet. No

landscaping shall be used that at maturity will impede on fire hydrants, water meters, sewer cleanouts or other similar above ground utility features. The landscaping plan for the site shall provide a three‐foot clearance exclusive of large and small trees, as well as large shrubs, around these features.

1. Vegetation ~~shall~~ may be selected from the Recommended Planting List incorporated in the City of Morganton Landscape Manual, as the same may be amended from time to time, and any plants used which are not selected from this list must be proven, to the satisfaction of the zoning administrator, to live under the climate and conditions found in the City of Morganton. Under no circumstances shall any plantings be used which are contained on N. C. State University’s Invasive Species List. At least 75% of the required shrubs shall be evergreen species locally adapted to the area. The use of existing vegetation to satisfy the requirements of this section is strongly encouraged. It is recognized that supplemental plantings may be required in addition to native materials.

*F. (No change proposed)*

G. Planting plans shall show symbols of plants at mature spread for the variety specified. As far as possible, mature growth of plants shall not encroach upon adjacent property. Maintenance should be able to be performed from within the subject property boundaries.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Buffer Yards**
       1. Buffer yards ~~area~~ are intended to separate higher intensity and lower intensity uses. Buffers shall be measured from the subject property line into the site to be developed. All required buffer yards shall abut the subject property line, except where there is conflict with an existing underground easement running along the subject property line; in such instances, the buffer yard shall be required to abut the edge of the easement. For new developments, the buffer yard shall abut the property line with the easement abutting the buffer yard to the inside of the property. Required buffer yard width shall not decrease the required building setback for each zoning district as set forth in Section 4.2.

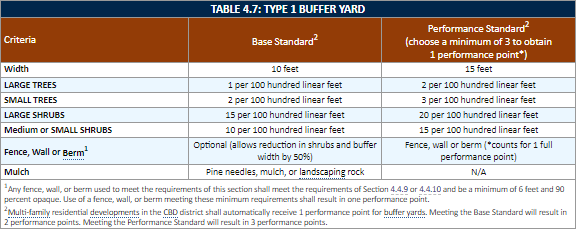
B. Buffer yards shall function as opaque visual screens with a minimum height of six (6) feet. Plant selection should ensure that the minimum height is achieved within one year of installation.

1. *(No change proposed)*
2. *(No change proposed)*

E. In addition to the requirements of this Section, street yard buffer yard landscaping shall meet the general standards set forth in Section 4.4.2.

*F. (No change proposed)*

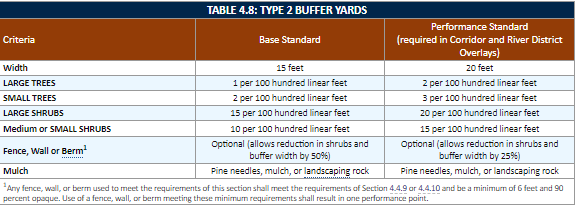
G. Buffer yards are not required within the CBD, except where the CBD directly abuts (not across a street) another zone.



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

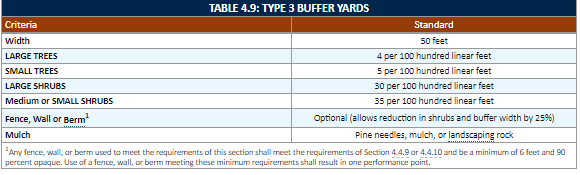
* + - 1. **Type 2 Buffer Yards: Non‐residential Development (Excluding EID) Adjacent to Any Residential**



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

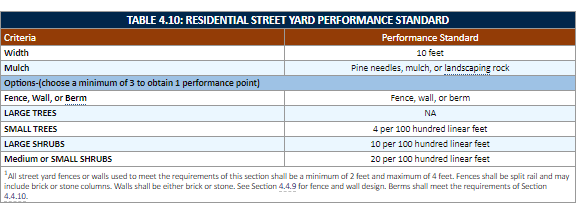
* + - 1. **Type 3 Buffer Yards: All Development within an Exclusive Industrial District (EID) Adjacent to All Other Zoning Districts**



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Street Yards**
       1. **Residential Development Street Yard**



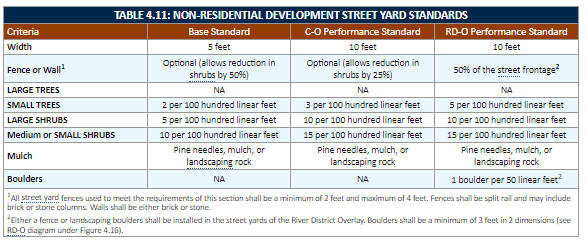
Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

Edit table to add 1 to Performance Standard Column “Fence, wall or berm1”

Edit reference: 1All street yard fences or walls used to meet the requirements of this section shall be a ~~minimum of 2 feet and maximum of 4 feet. Fences shall be split rail and may include brick or stone~~ ~~columns. Walls shall be either brick or stone. See~~ Fences and walls shall meet the requirements of Section 4.4.9 ~~for fence and wall design~~. Berms shall meet the requirements of Section 4.4.10.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Non‐residential Development Street Yard**

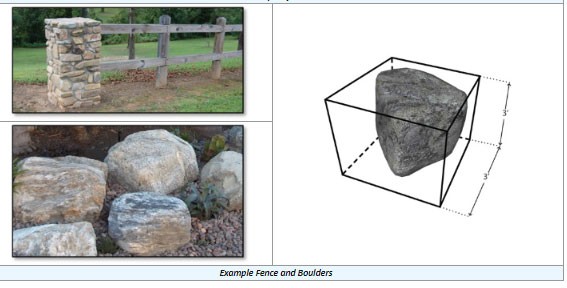


Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

Edit reference: 1All street yard fences or walls used to meet the requirements of this section shall be a ~~minimum of 2 feet and maximum of 4 feet. Fences shall be split rail and may include brick or stone~~ ~~columns. Walls shall be either brick or stone.~~ Fences and walls shall meet the requirements of Section 4.4.9. Berms shall meet the requirements of Section 4.4.10.

Edit reference: 2Either a fence or landscaping boulders shall be installed in the street yards of the River District Overlay. Boulders shall be a minimum of 3 feet in ~~2 dimensions~~ height and 3 feet in one other dimension (width or depth) and shall be maintained in natural format (ex. not painted). (see RD‐O diagram under Figure 4.16).





\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Parking Lot Yards**
       1. Parking lot landscaping is required within all non‐residential parking lots of greater than ~~10~~ nine

(9) spaces except motor vehicle or boat sales display areas. Instead, perimeter landscaping around motor vehicle or boat sales display areas shall be utilized at the same rate as required in ~~S~~ubsections 4.4.5.2 ~~or 4.4.5.3, as a~~pplicable.

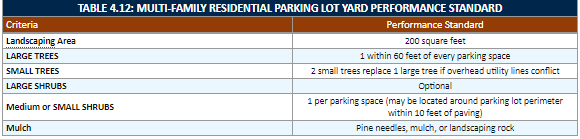
* + - 1. The parking lot yard requirement may be met by the street yard requirement, buffer yard requirement, or building yard requirement for parking that is immediately adjacent to a street yard, buffer yard, or building yard.
      2. Trees shall be planted in a manner that provides shade for parking area at maturity within 10 feet of the pavement edge. Each planting area shall be a minimum of 200 square feet, with a minimum dimension of seven (7) feet. Planting areas shall be protected with concrete curbing.

**D.** Required shrubs may be located around the parking lot perimeter (within 10 feet of the pavement edge) or within ~~planting~~ landscaped islands.

1. *(No change proposed)*
2. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

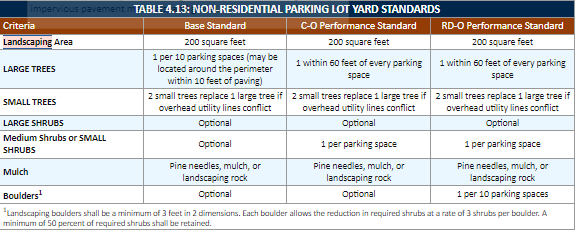
* + - 1. **Multi‐family Residential Parking Lot Yard Performance Standard**



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Non‐Residential Parking Lot Yard Standards**



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

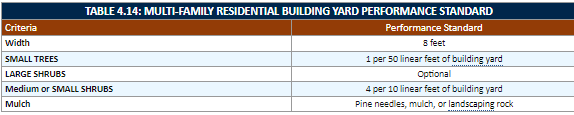
Edit reference: 1 Landscaping boulders shall be a minimum of 3 feet in 2 dimensions height and 3 feet in one other dimension (width or depth) and shall be maintained in natural format (ex. not painted). Each boulder allows the reduction in required shrubs at a rate of 3 shrubs per boulder. A minimum of 50 percent of required shrubs shall be retained.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Building Yards**
       1. *(No change proposed)*
       2. *(No change proposed)*
       3. *(No change proposed)*
       4. *(No change proposed)*
       5. In addition to the requirements of this Section, ~~parking lot~~ building yard landscaping shall meet the general standards set forth in Section 4.4.2.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

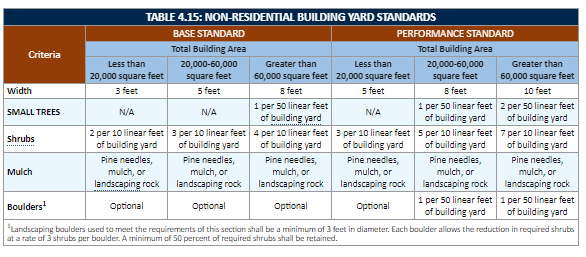
* + - 1. **Multi‐family Residential Building Yard Performance Standard**



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Non‐residential Building Yard Standards**



Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

Edit reference: 1 Landscaping boulders used to meet the requirements of this section shall be a minimum of 3 feet in ~~diameter~~ height and 3 feet in one other dimension (width or depth) and shall be maintained in natural format (ex. not painted). Each boulder allows the reduction in required shrubs at a rate of 3 shrubs per boulder. A minimum of 50 percent of required shrubs shall be retained.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Screening Yard**
       1. *(No change proposed)*
       2. Dumpsters and other waste collection containers shall not be located in the front yard of any structure or within any required buffer yard and shall be screened from the view of the street and adjacent properties.
       3. *(No change proposed)*
       4. *(No change proposed)*
       5. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Residential Yards ~~(single‐family residential lots)~~**
       1. **Multi‐family Residential Performance Standards**

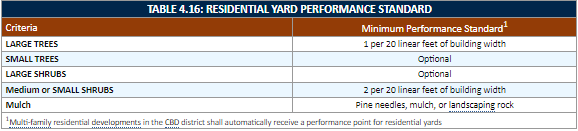
Multi‐family residential yards are not required in CBD due to front setback requirements; therefore multi‐ family residential developments in the CBD district shall automatically receive one (1) performance point in lieu of residential yards.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Single‐family Residential Performance Standards**
         1. *(No change proposed)*

1. Residential yard trees and shrubs may be placed anywhere on the property except that at least one
   1. tree is placed in the front yard.
2. Trees and shrubs shall be planted outside of the public right‐of‐way. Maintenance of the trees and shrubs shall be the responsibility of the individual property owner. Vegetation ~~shall~~ may be selected from the approved plant list in ~~Section 4.4.11~~ the Landscape Manual. The use of existing vegetation to satisfy the large tree standard is encouraged.

*D. (No change proposed)*



Edit title of Table 4.16: SINGLE‐FAMILY RESIDENTIAL YARD PERFORMANCE STANDARDS

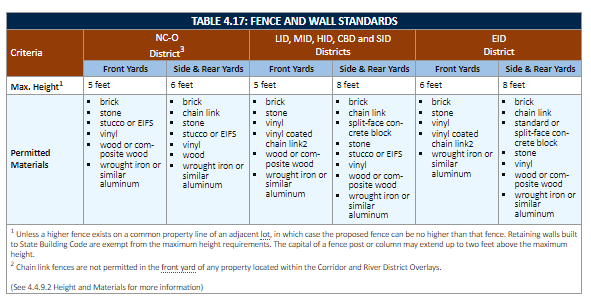
Edit mulch description: Pine needles or ~~mulch~~ wood chips to 4” depth and may include landscaping rock as a feature element

Edit Minimum Performance Standard title: remove “1”

Edit footnote: 1Multi‐family residential developments in the CBD district shall automatically receive a ~~performance point for residential yards.~~

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Fences and Walls**
       1. **General Requirements**
          1. *(No change proposed)*
          2. *(No change proposed)*
          3. *(No change proposed)*
          4. Where a fence or wall is used as part of required screening, the side of the fence or wall facing the adjacent property shall be a finished face; double‐faced fences and walls are encouraged. ~~All~~ required vegetation shall be planted on the exterior side of the fence or wall (exterior to the lot).
          5. *(No change proposed)*
          6. *(No change proposed)*



Edit: vinyl coated chain link22

Edit reference: 1 Add “For fencing screening utility sites, mining and quarrying operations, or correctional facilities in any district, height of fencing on all sides may be 8 feet for security purposes.”

Edit reference: 2 “Chain link fences are not permitted in the front yard of any property located within the Corridor and River District Overlays or within the CBD, except for vinyl coated chain link fences for utility sites, mining and quarrying operations, or correctional facilities.”

Edit reference: NC‐O District3

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Design**
         1. Materials may include a combination of the listed permitted materials for each fence type. Fences shall be constructed of materials manufactured and sold as fencing materials. Wood palettes, tires, pipes, and similar items shall not be used as fencing materials.

B. In addition to the requirements of this Section, front yard fences in the Corridor and River District Overlays shall meet the street yard design requirements of Section ~~4.4.1.1~~ 4.4.4.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. *(No change proposed)*
5. *(No change proposed)*
6. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* Add:

**4.4.11 *Omitted***

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Landscaping Maintenance**
       1. Required landscaping shall be maintained to mature growth habit, and trees shall not be topped.
       2. The owner of the property where landscaping is required shall be responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the landscaped area free of litter and debris; to keep plantings healthy; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas, or from creating nuisances to adjoining properties; and to keep walls, fences and berms in good repair and neat appearance. Guying and staking shall only be used if necessary. All guying and staking shall be removed within one year of planting.
       3. The landscaping shown on the plans approved by the Zoning Permit shall be carried out and maintained to the satisfaction of the Zoning Administrator, including that any missing, dead, diseased, or damaged plants shall be replaced. Any vegetation that is part of a required landscaping area shall be replaced within 60 days in the event that it dies. All landscaping materials shall be protected from damage by erosion, motor vehicles, or pedestrians which could reduce the effectiveness of the required landscaping.

*D. (No change proposed)*

E. Should landscaping be altered at any time from the landscaping approved by the Zoning Permit, an updated landscaping plan shall be assessed for compliance and, if approved, shall become part of the any approved Zoning Permit for the site.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**4.5 Open Space Standards**

**4.5.1 Purpose and Applicability**

1. The purpose of this Section is:
   1. *(No change proposed)*
2. *(No change proposed)*
3. To provide of recreational amenities for the residents of the City.
4. (*No change proposed)*

|  |  |  |  |
| --- | --- | --- | --- |
| **TABLE 4.24: OPEN SPACE ALLOCATION PERFORMANCE STANDARDS** | | | |
| Performance Point | Percent Open Space | | |
| 3 | Infill development ~~on~~ of 2 acres or less1 | | |
| 1 | 20% | (or in CBD) | 1 |
|  | | |
| 2 | 30% (or 10% of total development area in CBD) 1 | | |
| 3 | 40%1 or located in CBD | | |
| 1 (bonus point) | Fulfills park or greenway on adopted plan | | |
| 1 | Non‐residential, not in CBD1 | | |
| 1Mutually exclusive points | | | |

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Configuration of Open Space**
       1. *(No change proposed)*

B. Access to open space shall be provided by an abutting street or easement of not less than ~~20~~ 15 feet in width.

1. *(No change proposed)*
2. *(No change proposed)*
3. *(No change proposed)*
4. *(No change proposed)*
5. Lakes or ponds within the development used as open space shall provide adequate community access beyond theis 15 foot minimum, as determined by the Development and Design Services Department.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**4.5.5.1 Nature Preserve**

Open spaces designated as nature preserves shall be left largely undisturbed except foro the optional clearing of underbrush for the provision of a walking trail. Nature preserves are the encouraged open space type for floodways; flood fringe areas (100‐year floodplain); stream buffers as required by the Watershed Protection Ordinance or Phase II Stormwater Ordinance; slopes of greater than 25 percent; jurisdictional wetlands under federal law (Clean Water Act, Section 404) thatn meet the definition applied by the US Army Corps of Engineers; tree conservation areas; individual existing healthy trees greater than 10 inches DBH and their critical root zones; habitat for federal or state endangered or threatened species; and scenic viewsheds such as ridge lines, field borders, meadows, fields, river views, natural woodlands that can be seen from roadways.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

4.5.5.2 Greenway

Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways connect points of interest in a community such as schools, parks, and other civic uses. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for, at a minimum, trails for walking, jogging, and biking. Greenways, as designated on adopted City and County plans, to provide for walking, jogging, and biking connecting points of interest in the community such as schools parks and other civic uses.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**4.5.5.7 Square or Green**

Squares or greens are ~~primary~~ primarily intended for passive recreational use and may have monuments, pavilions, sitting areas. Squares or greens shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares or greens are encouraged to be entirely bounded by streets and/or lanes. Squares and greens shall be planted parallel to all streets and shall contain canopy trees along street frontages.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Allowed Uses of Open Space**

Unless otherwise stated, open space intended to achieve the performance standard may be used for the following:

* + - 1. *(No change proposed)*
      2. *(No change proposed)*
      3. *(No change proposed)*
      4. *(No change proposed)*
      5. *(No change proposed)*
      6. Golf courses (excluding clubhouse areas and maintenance facilities), proved provided that the area does not exceed 50 percent of the total open space for the development and that impervious area is no more than 25 percent of the total open space for the development;
      7. *(No change proposed)*
      8. *(No change proposed)*
      9. Stormwater control measures, provided that area does not exdeed exceed 25 percent of the total open space for the development and the stormwater control measure is designed as a pond amenity of greater than one‐half (1/2) acre or greater, is surrounded by open space, and is accessible to all residents; and
      10. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Prohibited Uses of Open Space**

Open space intended to achieve the performance standard shall not be used for the following:

* + - 1. Individual conventional wastewater disposal systems (excluding innovative/alternative systems);

1. *(No change proposed)*
2. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Parking and Access**
     1. **Parking Lot Design**
        1. *(No change proposed)*
        2. *(No change proposed)*
        3. *(No change proposed)*
        4. *(No change proposed)*
        5. *(No change proposed)*
        6. *(No change proposed)*

G. No parking aisle (defined as a drive aisle and the parking located on each side) serving the general public that contains more than 10 parking spaces shall dead end, except that the Development and Design Services Department may approve dead‐end aisles for up to 20 spaces on small lots where expected traffic is minimal. Any parking aisle that dead‐ends shall be provided a suitable turnaround.

1. *(No change proposed)*
   1. *(No change proposed)*
      1. *(No change* proposed*)*

b) Parking may be shared and screened with outparcel buildings (See Figure 4.26) as ~~shown Figure 4.26 bel~~ow.

* 1. No more than three (3) parking aisles (defined as a travel lane drive aisle and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building (s). On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors may be delineated by a paving material ~~which~~ that differs from that of vehicular areas and planted to provide shade. Small posts or bollards may be included. (See Figure 4.26).
  2. Landscape islands that are arranged in a manner that clearly delineates parking bays and drive ~~isles~~ aisles. A landscape island shall, at a minimum, be placed at the end of each parking bay.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Parking Dimensions**

All new parking ~~spaces~~ areas shall meet the following dimensional requirements:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **TABLE 4.25: PARKING DIMENSIONS** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Angle | | Stall Width (min/max) | | | | Stall Depth (min/max) | | | | |  | | | Drive | | | Aisle | | |  | Landscaped |  | Wheel Stop Location Adjacent Sidewalk (forward parking) |  | | | | | | | | |
|  | | | Wheel Stop | | |  | | |
| Width | | | | | | | | | ~~Planting~~ Island Width (min) | | |
|  | | | | Location |  | | | |
| **One‐way aisle** (min/max) | | | | | **Two‐way aisle** (min/max) | | | |  | Adjacent Sidewalk | | | | | |  |  |
|  | | (reverse parking) | | | | |  | |
|  | | | | | | | | |
| 0° | |  | 8 ft. / 10 ft. | |  |  | 22 ft. / | | 26 ft. | | 12 ft. | | / 14 ft. | |  | 20 ft. | | / 22 ft. |  | 7 ft. | | | N/A | N/A | | | | | | | | |
| 45° | | 9 ft. | | / 11 ft. |  | 18 ft. | | / 20 ft. | |  | 12 ft. | | / 14 ft. | |  | 24 ft. | | / 26 ft. |  | 7 ft. | | | 2 ft. | 4 ft. | | | | | | | | |
| 60° | | 9 ft. | | / 11 ft. |  | 18 ft. | | / 20 ft. | |  | 18 ft. | | / 20 ft. | |  | 24 ft. | | / 26 ft. |  | 7 ft. | | | 2 ft. | 4 ft. | | | | | | | | |
| 90° | | 9 ft. | | / 11 ft. |  | 18 ft. | | / 20 ft. | |  |  | 24 ft. / 26 ft. | | |  | 24 ft. | | / 26 ft. |  | 7 ft. | | | 2 ft. | 4 ft. | | | | | | | | |
| N/A = Not Applicable | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | 1Landscaped island width excludes any included curb | | | | | | | | | | | |  | | | | | | | | | | | | | | | | | | | |

**Exceptions:**

Parking spaces and drive aisles in alternative sizes to the noted dimensions may be considered at the discretion of the Development and Design Services Department for particular uses.

Accessible spaces must meet the accessibility requirements of the North Carolina Building Code. Edit: Removed Parking Bay Width Columns; Renamed Bumper Overhang to reference Wheel Stop Location

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Parking Surface**
       1. All parking areas within the Corridor and River District Overlays (except for single‐family and two‐ family residential uses) shall be paved with asphalt, concrete, pavers, or similar paving material and shall be landscaped in accordance with the requirements of Section 4.4.5. All parking areas of greater than 20 spaces shall also be constructed with standard or valley curb and gutter or an alternative Low Impact Development method as shown in the pictures below. (insert comma)

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Number of Parking Spaces**
       1. *(No change proposed)*
       2. *(No change proposed)*
       3. *(No change proposed)*

D. Except for single‐family residential uses, two‐family residential uses, and uses providing 10 or fewer on‐site parking spaces, the maximum number of parking spaces provided shall be 125 percent the required minimum shown in the Parking Requirements Table on the following pages,

unless approved by the Development and Design Services Department. Any number of parking spaces above the maximum shall utilize permeable pavers or Low Impact Development design.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Parking Location, Sharing, and Connectivity**
       1. ~~On~~ For all off‐street parking ~~l~~ots, the required space shall be provided on the same ~~p~~lot with the use or on a lot separated therefrom by not more than 400 feet, except for residential uses, which must be provided on the same ~~p~~lot. Portions of any lot containing parking spaces dedicated to the subject development shall become part of the subject development and shall be reflected on any approved plans and permits issued for the subject development. No parking space shall be dedicated to more than one use, except as under (B) below. An easement recorded in the Burke County Register of Deeds is required prior to issuing any permit.
       2. The joint use of shared off‐street parking between two (2) uses may be made by contract by two

(2) or more adjacent property owners. Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one‐half (1/2) of the parking spaces credited to both uses. An easement recorded in the Burke County Register of Deeds is required prior to issuing any permit.

* + - 1. All newly constructed non‐residential parking lots shall be designed and constructed to accommodate interconnection between ~~the~~ adjacent sites unless natural features prevent connection.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Loading Area Requirements**
       1. Subject to Subsection (EC), whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off‐street loading and unloading area, must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner, with limited impact upon neighboring lower‐intensity uses.

1. *(No change proposed)*
2. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + 1. **Driveways**
       1. *(No change proposed)*

B. Driveways that connect to City‐maintained streets shall comply with the Public Works standards set forth in Article C of Chapter 1 of Part ~~4~~, ~~Article C~~ of the ~~Morganton City Code~~ City of Morganton Code of Ordinances.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Infrastructure**
     1. **Sidewalks**
        1. **Sidewalks for Residential Development**

The installation of sidewalks on one side of all public streets within a residential development shall receive one (1) performance point. The installation of sidewalks on both sides of all public streets within a residential development shall receive two (2) performance points. A minimum four (4) foot planting strip shall be located between the sidewalk and the street (back of curb). The planting strip shall be planted with grass. Sidewalks shall be installed in accordance with the requirements of the City of Morganton Engineering Standards and Specifications.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Sidewalks for Non‐residential Development**

The installation of sidewalk along all street frontage for a development is required within the Corridor and River District Overlays. The installation of sidewalks on one side of all public streets within a non‐ residential development shall receive one (1) performance point. The installation of sidewalks on both sides of all public streets within a non‐residential development shall receive two (2) performance points. A minimum six (6) foot planting strip shall be located between the sidewalk and the street (back of curb). The planting strip shall be planted with grass. Sidewalks shall be installed in accordance with the requirements of the City of Morganton Engineering Standards and Specifications.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Payments In Lieu**

In lieu of installation or construction of the required sidewalk or sidewalks as described above, an owner, sub‐divider, or other developer may, with the approval of the City’s Department of Development and Design Services, pay to the City an amount determined by multiplying the linear footage of the required sidewalk by the current estimated cost per foot of sidewalk, less any grading costs, as may be computed by the Department of Development and Design Services. Such funds shall be set aside by the City to be used to build sidewalks in areas that would better serve the neighborhood or area adjoining or near to the subject property, so that the City’s system of sidewalks may be extended in an orderly manner and may be tied together by logical extensions. Payments in lieu shall be treated the same as construction of a sidewalk for the purpose of performance standard points.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* 1. **Building Design Standards**
     1. **General Building Design Standards**
        1. *(No change proposed)*
        2. *(No change proposed)*

C. Any residential lots of less than 50 feet in width shall be alley‐loaded and shall not have driveways accessing the fronting street.

1. D. *(No change proposed)*
2. E. *(No change proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Multi‐family Residential Performance Standards**
         1. *(No changes proposed)*
         2. *(No changes proposed)*

1. *(No changes proposed)*
2. *(No changes proposed)*
3. Porches and Balconies (one performance point)
   1. Porches or balconies a *minimum* of eight (8) feet wide and four (4) feet deep shall be incorporated on the front façade for a minimum of 50% of the dwellings on the front façade.
4. *(No changes proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

* + - 1. **Single‐family and Two‐family Residential Performance Standards**

For newly subdivided lots utilizing performance standards to achieve altered dimensional standards (such as smaller lot sizes and/or smaller lot widths), a covenant shall be recorded requiring structures built on the lots to adhere to single‐family and two‐family residential performance standard requirements for building design as applicable at the time of development.

* + - * 1. *(No changes proposed)*
        2. *(No changes proposed)*
        3. *(No changes proposed)*
        4. *(No changes proposed)*
        5. Porches and Balconies (one performance point)

Porches or balconies a minimum of eight (8) feet wide and four (4) feet deep shall be incorporated on the front façade for all dwellings.

* + - * 1. *(No changes proposed)*
        2. *(No changes proposed)*

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**APPENDIX A DEFINITIONS**

**A.4 Definitions**

**BED AND BREAKFAST INN*.*** A residential building providing for temporary overnight lodging and breakfast for overnight guests, where the operator resides on the premises. This use does not include banquet and events facilities.

**DWELLING, MULTI‐FAMILY, TYPE 1*.*** A residential building ~~which~~ that contains three (3) or more dwelling units, where dwelling units are placed wholly or partly vertically above another dwelling unit. This definition may incl~~u~~des condominiums, and apartment complexes~~, and townhom~~es.

**DWELLING, MULTI‐FAMILY, TYPE 2*.*** A residential building ~~which~~ that contains three (3) or more dwelling units, where no dwelling units are placed wholly or partly vertically above another dwelling unit. This definition may incl~~u~~des condominiums, apartment complexes, and townhomes.

**HOTEL*.*** A building containing more than ~~five (5)~~ four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on‐site management and reception services. Hotels may or may not provide onsite parking and access to hotel rooms is generally provided through interior hallways.

**PARKING AISLE*.*** A drive aisle and the parking located on each side.

**UTILITY SITES.** Includes natural gas distribution lines & related appurtenances; electric substations; power generation/production facilities; sewage lift stations; sewage treatment plants; telecommunications towers; water pumps, storage, tanks, & appurtenances; and water treatment plants (public) and any similar sites as determined by the Development and Design Services Department.

**YARD, LANDSCAPING (TYPES)**

**Yard, Street.** The area of land along the front property line parallel to a right‐of‐way, reserved for tree planting and landscaping. (added comma)

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**NECESSARY COMMISION ACTION**:

Motion to accept:

* + amendments for minor edits to modify or clarify requirements and address typographical errors. This action is consistent with the approved land use plan as it provides clarity on requirements and corrects errors in the current Zoning Ordinance.
  + permission for Director of Development and Design Services Department to make other minor clerical changes to the Zoning Ordinance as required. This action is consistent with the approved land use plan as it provides opportunity to correct errors in the current Zoning Ordinance.

Mr. Dickens asked commission if they had any questions for staff.

Mr. Dickens opened for public hearing.

Mr. Dickens made a motion to approve changes, additions and deletions and providing the director of Development and Design and their department staff to make minor clerical changes to the zoning text amendments as it complies with the comprehensive plan, seconded by Mr. Lingerfelt and approved (8-0)

Mr. Dickens stated this item would be on the May 1, 2023 city council.

**OTHER ITEMS OF DISCUSSION**

Ms. Smith briefed commission on the upcoming comprehensive plan and how we would be proceeding. She stated staff had been compiling members of our community to serve on an advisory committee. She stated Kimbly Horn had been hired to assist with the comprehensive process.

Mr. Dickens stated during our time set aside for visitors, no one was present, now we do have people in out audience.

Mr. & Mrs. John Day, 303 Morehead Street, stated they were new to Morganton. Mr. Day stated he was a former city manager and wanted to be active in Morganton.

**ADJOURN**

**Next Scheduled P&Z Meeting: Thursday May 11, 2023 at 5:15 PM**

**City Hall Council Chamber**