

Minutes
Morganton Planning & Zoning Workshop
November 14th, 2013

Members Present:

Hank Dickens, Chairman
Bill Lennon
Claude Huffman
Waits Gordon
Judy Francis
Rick Lingerfelt
Kim Woolard
Pete Wallace

Members Absent:

Charlie Sasser
Don Smith
David Ferber

Also present from the City staff were Lee Anderson, Director Development Design Services; Louis Vinay, City Attorney; Sharon Jablonski, Mainstreet Director; and Jackie Cain, Administrative Assistant.

Others: Stoney Story, President Burke County Homebuilders and Bob Boyer, News Herald.

Benchmark Planning Consultants present Richard Smith, Erin Burris and Vagn Hansen.

I. Welcome

Mr. Dickens welcomed attendees.

**II. New Zoning Ordinance
Annotated Outline of New Zoning Ordinance**

Mr. Anderson opened the meeting by briefly reviewing last month's meeting.

III. Power Point Presentation

Ms. Burris, Benchmark Planning, stated she would be reviewing the proposed zoning ordinance outline today. She provided attendees with a handout of the Scope of Services and proceeded with a detailed power point presentation.

Ms. Burris stated the City of Morganton adopted its Mission 2030 Plan in 2009. A large part of implementing the Plan involves the development or revision of land development regulations or standards. In an effort to implement these strategies, simplify development regulations and provide an organized and cohesive regulatory framework, a revised Zoning Ordinance will be drafted. She stated the following formatting, procedural, and regulatory provisions are recommended for the new Zoning Ordinance. She stated the handout was an annotated outline to show the proposed framework for the new Ordinance.

Ms. Burris handout:

Formatting Provisions

Organization-The new ordinance should be simplified and organized into six articles with an appendix for definitions. This organization is further detailed in the outline section of this assessment.

- Article 1: Purpose and Authority
- Article 2: Administration, Procedures and Enforcement
- Article 3: Zoning Districts
- Article 4: Development and Performance Standards
- Article 5: Sign Standards
- Article 6: Nonconformities
- Appendix: Definitions

Numbering System Hierarchy-A hierarchical numbering system should be utilized for user friendliness. To further enhance this numbering system, the pages should have headers with the chapter number and title and footers with page numbers that include the chapter number. For example:

Article 3: Zoning Districts

Section 3.1 Base Zoning Districts

3.1.1 Low Density Residential District

3.1.2 High Density Residential District

3-1

Flow Charts-Flow charts and step-by-step lists of how to take a development through the approval process should be provided.

Tables, Diagrams and Illustrations-Detailed items should be placed into tables and/or be described with diagrams and illustrations for clarity

Procedural Provisions

Approval Processes: Every type of development approval should be classified as an item approved by the Ordinance Administrator, the Planning and Zoning Commission, the Board of Adjustment or the City Council. Each process should be clearly explained in a step-by-step manner.

Technical Review Committee: Formally establish a Technical Review Committee of technical professionals to assist the Ordinance Administrator in determining if the requirements of the Zoning Ordinance and any other applicable local, state, and federal requirements are being met.

Development Plans: The submittal requirements for different types of development plans should be clearly established.

Regulatory Provisions

Zoning Districts and Uses: Zoning district and land use categories should be simplified and should follow the recommendations for future land use described in the Mission 2030 Plan.

Additional Requirements for Certain Uses: Certain uses have specific requirements that they must meet in order to operate due to their unique impacts. These requirements should be reviewed for relevancy and effectiveness.

Development and Performance Standards: Development standards including density and dimensional, buffering, landscaping, parking, environmental, and building design standards should be clearly articulated, provide different options for developers, and encourage better development and design through performance-based incentives. Development standards should also take into account the location within the City as identified in the Mission 2030 Plan.

Mission 2030 Plan Recommendations: Include regulations that help to implement the strategies of the Mission 2030 Plan. By simplifying the regulatory framework, the main focus of economic development will be enhanced. Several areas of focus from the Plan include encouraging a variety of housing options, improving quality of life as an economic development tool, attracting businesses, and encouraging redevelopment.

Ms. Burris stated this outline and summary explains the proposed basic framework of the new Morganton Zoning Ordinance. After providing the outline, she reviewed **FORMATTING** by providing examples of how this would be laid out. She stated the numbering system would make sections easier to find.

Example:

Article 1: Purpose and Authority

1.1 Title

The Ordinance shall be known and may be cited as the Zoning Ordinance of the City of Morganton, NC. The official map designating the various zoning districts shall be titled, City of Morganton Zoning Map and shall be known as the Zoning Map

1.2 Purpose

The zoning regulations and districts as herein set forth have been with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City and have been made in accordance with eh Mission 2030 and for the purpose of:

- a) Promoting the public health, safety, morals and general welfare;
- b) Promoting the orderly growth and development of the City of Morganton;
- c) Lessening congestion in the street and roads;
- d) Providing adequate light and air;
- e) Securing safety from fire, panic and other dangers;
- f) Preventing the overcrowding of land;
- g) Avoiding undue congestion of population; and
- h) Facilitating the adequate provision of transportation, water sewerage, schools, parks and other public requirements.

1.3 Authority

This Ordinance is enacted pursuant to the authority conferred by Ordinance is enacted pursuant to the authority conferred by Article 19 of Chapter 160A of the North Carolina General Statutes.

Proposed Zoning Ordinance Outline

This outline and summary explains the proposed basic framework of the new Morganton Zoning Ordinance. An explanation of the proposed content of each article is provided.

Article 1: Purpose and Authority

This section of the ordinance provides information on statutory authority, legal provisions, and ordinance applicability.

- A. Title
- B. Purpose
- C. Authority
- D. Applicability
- E. Abrogation
- F. Conformance with Adopted Plans and Right-of-way Dedication
- G. Vested Rights
- H. Separability
- I. Effective Date

Article 2: Administration, Procedures and Enforcement

Ms. Burris explained this section of the ordinance establishes the roles of elected, appointed and administrative bodies as they relate to the ordinance. It also sets forth procedures for development approval, variances, and appeals. Mechanisms for the enforcement of the ordinance are also addressed.

- A. Administration
 - 1. Ordinance Administrator
 - 2. Technical Review Committee
 - 3. Planning and Zoning Commission
 - 4. Board of Adjustment
 - 5. City Council
- B. Procedures
 - 1. Zoning Permits
 - 2. Site Development Plans
 - 3. Conditional Use Permits
 - 4. Variances
 - 5. Appeals
 - 6. Zoning Map Amendments
 - 7. Zoning Ordinance Text Amendments
- C. Enforcement
 - 1. Violations
 - 2. Enforcement Procedures
 - 3. Remedies and Penalties

Article 3: Zoning Districts

This section of the ordinance establishes all base zoning districts, overlay zoning districts, permitted uses, additional requirements for certain uses. Ms. Burris explained the zoning districts would be simplified and consolidated.

Ms. Burris stated the Table of Permitted Uses would also be simplified, adding all of these modifications would follow the Mission 2030 plan.

- A. Base Zoning Districts
- B. Overlay Zoning Districts
- C. Permitted Uses
- D. Additional Requirements for Certain Uses

Article 4: Development and Performance Standards

This section of the ordinance sets forth all standards for development including density and dimensional standards, buffering, landscaping, parking, environmental and building design standards for different types of development and areas within the City's jurisdiction. Ms. Burris reviewed opportunity options/incentives.

Commission members discussed incentives.

Mr. Hansen, Benchmark Planning Consultants, stated fewer zoning districts would make is easier for developers to get a project completed.

- A. Density and Dimensional Standards
- B. Performance Bonuses
- C. Landscaping and Buffering Standards
- D. Parking and Access Standards
- E. Environmental Standards
- F. Building Design Standards
- G. General Development Standards

Article 5: Sign Standards

This section of the ordinance establishes the standards for different types of signage for areas within the City's jurisdiction. Ms. Burris stated the ordinance would include tables, diagrams and pictures to clarify complex concepts.

- A. General Provisions for Signs
 1. Sign Area and Height
 2. Sign Setbacks
 3. Sign Illumination
 4. Maintenance and Upkeep of Signs
 5. Removal of Discontinued Signs
- B. Signs that Do Not Require a Permit
 1. Civic off-premises signs
 2. Construction and development project signs
 3. Directional on-premises signs
 4. Flags
 5. Government signs
 6. Legal and warning signs
 7. Occupant/Address Number Signs
 8. Placard signs

9. Temporary signs: political, real estate, window, A-frame, yard sale, non-profit, incidental, banners

C. Signs that Require a Permit

1. Freestanding Signs
2. Building Mounted Signs (includes awning, canopy, and projecting)

D. Prohibited Signs

Article 6: Nonconformities

This section of the ordinance establishes the policies and procedures for dealing with nonconforming situations, such as uses and structures that are not in compliance with current regulations.

- A. Nonconforming Lots
- B. Nonconforming Uses
- C. Nonconforming Structures
- D. Nonconforming Site Features
- E. Nonconforming Signs

Appendix A – Definitions

This section of the ordinance contains all of the technical definitions for the ordinance.

- A. Interpretation
- B. Acronyms
- C. Definitions

IV. Discussion and Questions

Commission discussed the process.

V. Adjourn

Next Regular Meeting: Thursday, December 13th, 2013 at 4:00 PM