

Minutes
Morganton Planning & Zoning
October 9th, 2014

Members Present:

Hank Dickens, Chairman
Kim Woolard
Rick Lingerfelt
Pete Wallace
Waits Gordon
Judy Francis
David Kirk
Don Smith
Doris Smith

Members Absent:

Bill Lennon, Vice-Chairman
Claude Huffman

Also present from the City staff were Lee Anderson, Director Development Design Services; Russ Cochran, Senior Planner; Terry Jordan, Code Enforcement; Louis Vinay, City Attorney; Erin Burris and Richard Smith, Benchmark; and Jackie Cain, Administrative Assistant.

I. OLD BUSINESS:

Item 1: Review and approval of the March 13th, 2014 Minutes and September 11th, 2014 Workshop Minutes.

Mr. Dickens stated a copy of the minutes had been provided. Mr. Gordon made a motion to approve as submitted (9-0)

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

Mr. Anderson stated Planning Commission met in March and sent recommendation to City Council in April for rezoning of approximately 0.78 acres of property located at 500 West Fleming Drive from Heavy Industrial (HI) to General Business Conditional Use (GB-CU) submitted by Mull Inc. City Council approved the rezoning.

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.

III. NEW BUSINESS:

Item 1: Consideration to of a new Zoning Ordinance and Zoning Map for the City of Morganton.

Mr. Dickens stated the last ordinance adoption was in 1996. Since then, the City Council has adopted a new Land Plan in 2009 with Mission 2030. Mr. Dickens stated as the City staff follows Mission 2030 plan, then changes must be made to the ordinance to bring it up to date as well. Mr. Dickens stated Erin Burris, Vagn Hansen and Richard Smith, Benchmark have been instrumental working and developing this ordinance.

Mr. Anderson stated Planning Commission began this process with workshop meetings beginning in October 2013. He stated public information meeting with held August 28, 2014 and a workshop with planning commission and city council was held on September 11, 2014. Mr. Anderson stated this ordinance will assist in setting the course of development for economic growth for Morganton. He stated it will assist in accomplishing the goals of Mission 2030.

Mr. Anderson stated on September 17th, 2014 public notices were mailed to land owners. He stated addressing is based upon tax record addressing.

Mr. Anderson reviewed the current ordinance and compared it to the proposed one. He stated the proposed ordinance will provide developers with a smoother transition for approval. He stated this ordinance provides diagrams and photos. He states this ordinance is accommodating for everyone.

Mr. Anderson stated staff received letters from the following:

Scott Davis
300 Castlegate Drive
Morganton, NC 28655

Roger D Coffey
5016 Valley View Circle
Lenoir, NC 28645

TL Norman
511 E Union Street
Morganton, NC 28655

Mr. Dickens opened for public hearing for those speaking against the consideration.

Mr. Jerry Bradshaw, 411 Old NC 18 Morganton, NC, stated he was the owner of WB Motors located at 506 S Green Street. Mr. Bradshaw stated his grandfather, Ralph Bradshaw established the business there in 1949 and then his father, Jerry Bradshaw was there until 2003. He stated the proposed sign ordinance prohibits the use of streamers. He stated he needed streamers on his vehicles and at his lot to draw attention. He stated he used clean, fresh streamers.

Kathy Morrison, 200 Conley Street, questioned the changes of the ordinance and how it would affect her neighborhood. She asked how she would be contacted of any changes.

Mr. Anderson stated notification by mail, property is post with a rezoning sign and newspaper publication is done anytime there is a rezoning request. He reviewed Ms. Morrison's current zoning and also discussed her zoning under the proposed ordinance.

Mr. Dickens questioned the overlay areas.

Mr. Anderson explained Neighborhood Conservation Overlay.

Mr. Alan McCroy, Attorney, stated he was representing Roger Coffey. Mr. McCroy stated Mr. Coffey owns a 28 acre tract of land off of Knollwood Drive. Mr. McCroy stated the property is being used as farm land and his client is concerned about the neighborhood conservation overlay. He stated his client is requesting his tract be excluded from the neighborhood conservation overlay.

Mr. Anderson stated the heavy trucks that travel in the neighborhood has not been received well in that neighborhood. He stated the property is being used well as farm land...since the majority of the property is located in the flood plain. Mr. Anderson stated the access point needs to be changed then it would work for the property.

Mr. McCroy stated he would contact staff regarding access point.

Mr. Jeff Towery, 1864 NC 126, stated he owned 9 single wide trailers located off South Chestnut Street. He stated 6 of those units have been updated. He stated the units located on Chestnut Street are occupied by families. He provided staff with tenant information and stated his tenants live in his park because it is safe and affordable... He advised commission that if the units were removed and not replaced, there is no place for the families to go...public housing is not affordable for these families.

Mr. Dickens asked the acreage of the park.

Mr. Towery stated approximately 1 acre.

Mrs. Stephanie Norman, 511 East Union Street, stated she is the co-owner of a 52 unit trailer park located on Ross Street. She stated there are approximately 250-300 trailers in the City of Morganton. She provided statistical information on the diversity of the individuals that rent units at her park. She stated 50% Spanish, 45% White and 5% African American. She stated of the location of her park to her tenants workplace is important. They have no problems with getting to work, because it is so close (Case Farms).

Mrs. Norman stated her tenants are families and rent a trailer in order to have a yard for their children to play in. She stated the rent meets the needs of the families as there are no low income locations in Morganton which are this affordable. She advised commission that she and her husband purchased the property in 2008 and the criminal activity has decreased by 70%.

Mrs. Norman stated a package was prepared for commission which included photos of single-family dwellings in Morganton that were "trashy". She stated the park is not "trashy" and the lots are kept up. She said the package also included WPCOG statistics on housing, a proposal for manufactured home conformity. She stated she understood the overall goal of the ordinance, however the amortization needed to be removed...she stated the stipulations are realistic and attainable.

Mr. Dickens asked the acreage of her park.

Mrs. Norman stated 5.5 or 8.5 acres...she stated her husband could provide the exact acreage.

Mr. Tim Norman, 511 East Union Street, there are 2 tracts of property on Ross Street...one is 2.7 acres and the other is 2.5 acres. Mr. Norman stated according to the population of Morganton, 7-8% live in a mobile home. He stated amortization works well with billboards, but not with people. Mr. Norman questioned if it was the desire to move people out of Morganton.

Mr. Dickens questioned the difficulty of locating a 1994 trailer...

Mr. Norman stated it was difficult to find a 1994 trailer. He stated manufactured home companies started producing doublewides and this caused the singlewides to become scarcer.

Dr. Kirk asked what Mr. Norman's timeline was for replacement....

Mr. Norman stated as needed...he stated why replace a home that is being taken care of...

Mr. Alan Brown, 301 Liberty Trail, stated he owns 12 manufactured homes on Walker Road. He stated he owns home of all years...he stated the home will last as long as you maintain them. He added it is a business. He stated that ½ of his tenants are rent to own. He stated if you want to take my property from me, then buy it from me. He stated his park has few problems.

Mr. Anderson questioned the rent to own properties.

Mr. Brown stated if the tenant is renting to own the property, then he takes ownership and takes better care of the property.

Mr. Chris Foster, PO Box 514 Morganton, stated he owns the property located at 5184 High Peak. He stated there are 21 trailers at his park and 14 have been replaced since he bought it. He stated the life of a trailer is according to the upkeep. Mr. Foster stated that it doesn't solve the problem to change the age of trailers. He stated code enforcement would assist him with the renters which don't upkeep their lot. He stated he provides a GDS garbage can for each unit, in order to keep the trash from hanging around...he stated he was willing to make the park nice looking, but don't make me remove our trailers.

Mr. Dickens asked what the acreage of his park was.

Mr. Foster stated 3 acres.

Ms. Martha Chapman, 807 Jamestown Road, questioned the effect of the changes on her property.

Mr. Anderson advised Ms. Chapman to contact his office and he would explain all the changes along the Jamestown Road corridor.

Mr. Veron McConnell, 207 Wilson Drive, expressed his concern for the residential area located behind the Cook Out restaurant. He stated the property located behind Cook Out and Chic Fil A Restaurant could be used as access to the Chic Fil A. He wanted to know how the new rules would effect that property.

Mr. Anderson used a map to locate the property in question and advised Mr. McConnell that the property could not be used as commercial access, unless it was rezoned. He then explained the process of rezoning.

Mr. Jason Brown, Catawba County Resident, stated he did not own property in the City of Morganton, but his father Alan Brown did. He stated he was concerned with the mobile home amortization. He questioned if this was not a form of government condemnation? He stated standards which owners would have to meet is acceptable, but they needed to be discussed with owners and be realistic.

Ms. Crisp, 716 E Union Street, discussed the changes to her property.

Mr. Anderson advised Ms. Crisp to contact his office and he would explain all the changes along the East Union Street corridor.

Mr. Bryan Black, Davis Drive, questioned the changes in the sign ordinance. He stated he was currently the President of Burke County Board of Realtors.

Ms. Burris asked if there were specific areas he had questions about.

Mr. Black stated the entire sign ordinance area.

Mr. Anderson stated since Mr. Black has questions regarding all the changes made to signage, that it would be best to arrange a time which he and discuss the changes tomorrow. Mr. Anderson stated any information or questions would be added to the minutes. NOTE: (Meeting did not occur)

Mr. Black stated his concern for the mobile home and creation of properties that are blight properties.

Mike Irvin, 107 Newland Street, stated home is where the heart is and not all homes are equal in value. He stated he is against the amortization of the mobile homes. He stated the process of eviction would have to be

He stated a fine would be levied upon the property owner if the home is not removed...Mr. Irvin stated he found that to be a violation of the property owner.

Mr. Irvin stated 'Ugly is not a violation'...He added that not every home in Morganton has a paved drive and parks should not be required to pave theirs.

Mr. Anderson stated not each driveway would be paved, only the main road into the park.

Mr. Irvin stated adding a dumpster to the park was unnecessary. He stated that is additional taxing on the property owner, since the city picks up the garbage....

Sonny Towery, Chestnut Street park owner, provides cost of installing a mobile home. He states it cost approximately 900.00 for set up of a home. He stated he was concerned

about the cost of removing 8 homes at that cost, but really concerned for his friend who has 52 homes to replace and remove. Mr. Towery stated his tenants have been with him for 12 years. He stated they cannot afford public housing or low income housing.

Doug Morgan, 3073 Causby Road, stated mobile homes have been a stepping stone for families.

Ms. Denise Gragg, 106 Ross C, stated she lives at the location and has been there for 40 years. She stated the park is a good place to live and commends Mr. Norman for

Mr. Mike Irvin, stated he wanted the record to reflect that no one was present to speak for the ordinance.

Ms. Norman invited commission members to visit her park for inspection.

Closed public hearing.

Ms. Francis questioned the amortization plan.

Mr. Anderson stated every park is unique. 25 feet is recommended for fire code separation. He discusses parks their size, number of units, etc. He discusses the units which are owned by the tenant and lot is rented. Mr. Anderson stated extending the time for removal was discussed with a park owner...Mr. Anderson stated that many of the parks have been re-invested in...some have not. Mr. Anderson explained that many parks have weekly complaints, a few have very few. It is those few that have no complaints that have been reinvested in...the steady decline of parks is what we are dealing with.

Mr. Anderson stated the owner occupied verses rental occupied units is also an issue. He stated one park owner's suggestion was to allow the older units to remain a longer length of time. Mr. Anderson discusses Air Park Drive mobile home park, Fletcher Street parks and how these parks were abandoned. He explained how the neighbors want the area cleaned up...the city moves to assist in a reasonable way to do so...but at whose cost???

Mr. Anderson stated it is his recommendation to set this portion of the ordinance aside and work on this area again. He stated this is clearly a neighborhood issue which needs to be worked out.

Ms. Francis stated the amortization issues needs to be reviewed more thoroughly.

Mr. Dickens questioned the streamers.

Ms. Woolard stated she thought there was an alternative to the streamers.

Ms. Burris stated the feather flag was the alternative as a one temporary flag per lot of record.

Mr. Dickens asked Ms. Burris if there were any other comments from individuals which she had been given tonight.

Ms. Burris stated the individuals she spoke with had questions regarding their property and how the changes would affect them.

Mr. Gordon made a motion to approve the current zoning ordinance omitting Section 6.4.4, seconded by Mr. Smith.

Mr. Dickens stated that he would like to recommend that City Council establish an affordable housing task force to address the issues which have been unearthed.

Commission members agreed and motion passed unanimously (9-0).

Mr. Anderson stated City Council would meet on November 3rd, 2014 at 6 p.m. to review the recommendation.

IV. OTHER ITEMS OF DISCUSSION

None

V. ADJOURN

6:00 p.m.

Next Regular Meeting: Thursday, November 13th, 2014 at 5:15 PM

AFFORDABLE HOUSING TASK FORCE

February 5, 2015

Final Report to City Council on Existing Mobile Home Park Conditions within the City of Morganton and the Need for adoption of a Non-Conforming Amortization Policy

Task Force Members:

Marla Black	Tom Bland
Tim Norman	Clint Lytle
Waits Gordon	Judy Francis
Bill Lennon	Mike Irvin
Mark Henry	

BACKGROUND

An Eight (8) member Affordable Housing Task Force was appointed on November 3, 2014 by the Morganton City Council. This group was appointed in response to issues arising during the City's 2014 Zoning Ordinance revision process. The task given to the group was to determine if conditions existed within Morganton's Manufactured Housing Parks that causes harm or endangerment to the health, safety and general welfare of the surrounding community, park residents, adjoining property owners, and the City in general; and if such adverse conditions did exist, what method should the City Council use to solve or eliminate those conditions and to report the results by February 15, 2015.

The adverse issues which were perceived in MH Parks was first discussed at a joint workshop of the Planning and Zoning Commission and City Council on September 11, 2014. Numerous adverse conditions were discussed ranging from M.H. Parks experiencing owner neglect, to ones that were in aesthetic decline, unit overcrowding, deteriorating safety conditions, decreased adjoining property values, increased fire hazards, ongoing public nuisance issues, and general lack of on site management. These conditions were being perceived as a general decline of M.H. Parks within the City's jurisdiction. The City's planning staff indicated at that meeting that nearly all of Morganton's present day mobile home parks were built prior to 1985 and were classified as legal Non-Conforming Situations in regard to the present day zoning ordinance.

The City's mobile home park ordinance, which was established in 1985, was part of an overall Zoning Ordinance Revision Process at that time. The 1985 ordinance placed a 4 dwelling unit per acre density limit, a 25 foot spacing requirement between units, and various other development standards on newly developed parks; however, the 1985 ordinance permitted existing M.H. Parks to remain in their present condition without any requirement for park upgrades. Individual units within existing parks could also be replaced without any park upgrades.

During the Joint Workshop, city staff explained that full ordinance compliance could only be achieved through a properly implemented Non-Conforming Park Amortization Process. This process establishes a period of time within which non-conforming park owners could bring their facilities up to the present day standards. After such period has elapsed, any park which is not up to standards would be considered a violation of City Code. Both the Planning Commission and City Council at their September workshop instructed the City staff and Planning Consultant (Benchmark Planning) to prepare an amortization ordinance in conjunction with the new 2014 Zoning Ordinance proposal that would in effect implement the 1985 adopted standards. The Amortization Proposal submitted by the staff and consultant was incorporated into the Proposed Zoning ordinance and advertised for public review.

A Public Hearing was held by the Morganton Planning and Zoning Commission on October 9, 2014. During this hearing, many MH Park owners spoke in opposition to the proposal and as a result the Planning Commission withdrew the proposed Amortization from the new Zoning Ordinance Draft but recommended a Task Force be created to further study this issue and return any recommendations that they may find.

TASK FORCE FINDINGS

The Affordable Housing Task Force organized and began its work in December of 2014 under the advisement of Lee Anderson, Director of Development and Design Services; Terry Jordan, City Zoning Administrator; Louis Vinay City Attorney; Lisa Helton, HUD Grant Administrator; Russ Cochran, City Planner; Chief Ronnie Rector, Morganton Public Safety, and Mike Crotts Chief Building Inspector. These individuals provided the Task Force with background information and professional opinions related to the subject at hand. Information examined included:

1. The 1985 and 1996 zoning ordinances related to M. H. Park regulations.
2. The 2014 proposed Amortization Ordinance
3. An Analysis of multiple existing mobile home parks within the City of Morganton's Jurisdiction that included:
 - a. aerial photos
 - b. ground photos
 - c. News Herald Articles
 - d. P&Z Commission Minutes
 - e. M.H. Park Owner Correspondence
 - f. A 12 month summary of Public Safety call responses to existing M.H. Parks
 - g. Acreage calculations for each M.H. Park
 - h. Unit and space counts for each park
 - i. Tax value calculations of existing M.H. Parks
 - j. Break down of Rental units versus Owner Occupied units within each park
 - k. Density calculations for each park

The Task Force examined the information presented above, conducted interviews with City professionals and gathered information from Task Force members who represented the M.H. Park industry, Land Appraisal, Affordable Housing, Public Housing, Planning Commission, and Faith based organizations in Morganton. From this work, the following Facts were discovered:

1. There is only one existing mobile home park in compliance with the 1985 ordinance within the City of Morganton's Zoning Jurisdiction, and that is Greenfield Village/Amherst Road. The park would become non-compliant under the new ordinance proposal due to the age of existing M.H. units.
2. 23 units within a M.H. Park at 300 Fletcher Street are currently being demolished due to minimum housing code violations and owner neglect at Taxpayer expense of \$9800. A lien will be placed upon the property by the City of Morganton.
3. The Airpark Drive mobile home park which had previously been a problem has been purchased and is currently undergoing renovations under a new developer.
4. Based on observation and analysis, several M.H. Parks are well managed with on site management. These parks have less complaint and nuisance issues.
5. State legislation was changed in 2012 which removed the City's ability to require landlords to obtain City Rental Registration Permits requiring routine minimum housing inspections within M.H. Parks; and, under the new Legislation, Minimum Housing Inspections can now only be made upon request by the owner or the tenant or upon evidence that utilities have been off for more than 6-months to the unit, or upon more than 5 complaints being received from surrounding citizens, or upon visual evidence to the Building Inspector that life and safety is at risk within the unit.

6. Amortization is a legal method of Land Use Authority that would provide M.H. Park owners a timeline to replace units, improve the park, and otherwise comply with City Zoning Code requirements.
7. Mobile home tenants are there because of economics.
8. M.H. Parks provide housing that is affordable and close to places of employment.
9. M.H. Park owners indicate their housing can be the last resort prior to homelessness.
10. Tenants of M.H. Parks often find it difficult or impossible to obtain housing assistance or opportunity through traditional avenues such as the Housing Authority and Section 8. This is due to several factors i.e. (past criminal record, poor credit history, or citizenship status.)
11. M.H. Parks are a Land use issue but also they are an affordable housing issue
12. M.H. Park owners may have substantial debt repayments and amortization would adversely impact the landlords ability to service their debt payments.
13. Many Park owners have sold their M.H. units to their tenants. These tenants would likely be displaced if they were required to upgrade to a newer M.H. or had to move their unit out of the park due to the amortization.
14. Landlords would find it difficult to evict tenants through the amortization process. The costs associated with eviction is expensive and time consuming.
15. M.H. Parks that are in poor condition negatively impacts adjacent neighborhood values due to their location and proximity to other housing.
16. The lack of minimum housing inspections and lack of reinvestment in the aging units, creates a situation where dangerous and unsafe living condition can be established in the homes and within the park.
17. The close proximity of M.H. units within some Parks, creates a fire hazard that can spread very rapidly to other adjacent units.
18. The average M.H. unit can be fully engulfed by fire in 5-7 minutes.
19. M.H. Park owners will find it very difficult to purchase 1994 model or newer units to place in their park due to availability, relative price, and size of unit. All of these conditions will impact the landlords return on investment.
20. M.H. units that are maintained properly can last more than 50 years.
21. M.H. units that are not maintained properly, especially the roof, can decline very rapidly.
22. There does not seem to be a direct correlation between park density and public safety calls.
23. M.H. parks that fall into disrepair often become havens for drugs and other illegal activities. They can also become homes for squatters and the homeless who create their own fire issues from open fire building for warmth and cooking when no electricity is available and decrease in garbage and sanitary conditions when no water and sewer is connected and trash receptacles are not present.
24. There appears to be little if any interest from neighborhoods, businesses or other citizens willing to speak out in favor of Amortization.
25. M.H. Park owners will often purchase large Liability Policies to protect them against loss of life or property within their parks.

RECOMMENDATION

After examining the data collected and considering the information obtained from City professionals, and after having direct dialogue with members of Task Force who represent various facets of this topic, the Affordable Housing Task Force does not recommend enacting amortization policies for non-conforming mobile home parks. (6-2 Gordon, Lennon opposed) It was the general consensus of the group that conditions found within numerous parks within the City's jurisdiction are objectionable and do create adverse conditions for both residents within the parks and upon owners and residents of adjacent properties; however, the Task Force does not believe these conditions are consistent throughout all M.H. Parks.

A large majority of Morganton's M.H. parks are small with less than 5 M.H. spaces. Many are family owned and offer affordable living conditions for those owners and tenants occupying those units. Even the largest of Morganton's M.H. Parks, Greenfield Village, complies with the 1985 City Zoning Standards and has been found to generate almost no adverse conditions to its residents or adjacent properties.

It is the consensus of the group that most negative issues found within existing mobile home parks are derived from Park owners who do not take an active role or responsibility for their tenants or any adverse conditions found within their parks. These owners do not provide appropriate on-site management or manage tenants in a manner to prevent nuisance issues from occurring that create unsafe and unsanitary living conditions. These conditions endanger not only park residents but also the surrounding community.

Absentee ownership and lack of M.H. Park Management are two conditions that appear to be the common denominator within problem M.H. Parks. To a lesser extent these conditions also occur within certain apartment buildings within the City as well as certain hotel properties. First the property falls into a state of disrepair through owner neglect or mis-management. Problem tenants are allowed to stay within the property, which generates more nuisance conditions followed by more criminal activity and eventually substandard and dangerous living conditions.

Responsible Landlords acknowledge liability for the conditions that exist within their parks. Many carry liability insurance to cover instances that occur within their park, but even these Park Landlords offer no solutions to the overriding problems identified in the study to deal with problem parks. M.H. Parks can be very profitable as evidenced through income approach appraisals. These appraisals can be up to 10 times higher than their current tax value appraisals. Problem Parks generate a lot of public safety and public nuisance issues; but pay very little in Property Tax compared to actual values of the property.

It is the Affordable Housing Task Forces opinion that M.H. Parks offer affordable housing to individuals that otherwise have no other options for housing inside the City of Morganton. The majority of Park Owners are responsible and create few if any issues; however there are certain park owners that tolerate individuals within their park that are conducting illegal activities, create nuisance conditions, offer substandard living conditions which create problems in the surrounding community. The Task Force would recommend the City utilize existing rules, regulations and authority to remedy these issues rather than lumping all M.H. Parks into one category.

Map ID	Property Address	Property Value	Owner	Acreage	Number Of MH Sites	Rental Units	Owner Occupied Units	Density/A cre	Calls
1	155 AMHERST RD	\$745,138	GREENFIELD VILLAGE NC LLC	21.32	85	30	55	4	0
2	1877L1/32 DUCKWORTH AVE	\$212,363	WILLIAMS RALPH ERVIN	11.73	32	4	28	3	49
3	107A/R ROSS ST	\$187,499	TABET JOHN S JR ET AL	2.71	27	13	14	10	22
4	300L11/27 FLETCHER ST	\$137,435	KCS EQUITY VENTURES LLC	7.13	26	20	6	4	36
5	ROSS ST	\$183,691	TABET JOHN S JR ET AL	2.56	25	0	25	10	12
6	3186L1/L22 HIGH PEAK MTN RD	\$152,614	FOSTER RENTALS	3.48	22	21	1	6	4
7	200A/T CLINE PL	\$200,493	SHIPBAUGH JOE	1.64	10	0	10	6	0
8	215A/M SHUFFLER RD	\$104,784	GOLDEN BEAR FARMS OF NC LLC	2.12	14	14	0	7	5
9	221A/E 3A/E 5A/E VFW RD	\$124,031	SHUFFLER PARK LLC	2.3	14	13	1	6	0
10	134A/K WALKER RD	\$97,909	FORJEN LLC	1.34	12	6	6	9	99
11	314L1/12 FLETCHER ST	\$106,091	BOWMAN BRIAN AUSTIN	3.69	12	10	2	3	51
12	200 MORGAN DR	\$136,013	BAIRD DAVID L & BETTYE M	1.15	8	9	0	7	0
13	807A/F VINE ARDEN RD	\$79,036	NORMAN WOODROW T & FAYE F	9.83	7	1	6	1	0
14	121 123 127 VIEW ST	\$95,923	BROWN ALAN M	1.09	7	2	5	6	3
15	212 220 S CHESTNUT ST	\$54,993	TOWERY JEFFERY W	0.5	6	5	1	12	0
16	418A/E LONDON ST	\$36,592	HOKE STARLA B	0.65	6	4	2	9	5
17	111A/E CURTIS ST	\$46,450	MOSES FRED	0.67	5	0	5	7	3
18	210 STEAKHOUSE RD	\$24,700	TOWERY PAULINE & COFFEY LINDA	0.44	4	0	4	9	3
19	842A/L VINE ARDEN RD	\$38,069	WHETSTINE BEULAH T TRUSTEE	0.9	4	0	4	4	9
20	518L1/3 E MEETING ST	\$64,315	TOWERY JEFFERY W	0.43	3	4	0	7	0
21	840D/F VINE ARDEN RD	\$28,750	WHETSTINE BEULAH T	0.46	3	0	3	7	0
22	215 GLENDALE ST	\$38,298	FORJEN LLC	0.6	3	3	0	5	1
23	108 110 BROOKSIE ST	\$101,511	MOSES BEULAH MAE DEC & MOSES F	1.2	3	2	1	3	1
24	114 DOUGLAS DR	\$36,013	IRVIN CIRCLE K ENTERPRISES LLC	0.76	3	3	0	4	0
25	3371 JEWEL ST	\$69,352	BRADSHAW RANDY N & BRADSHAW R	4.87	3	1	2	1	6
26	117 119A/C MYRTLE ST	\$70,865	PARRIS CHARLES L & BARBARA F	0.37	3	4	0	8	7
27	500 ROCKYFORD ST	\$14,450	MCDANIEL ROBERT	0.15	2	1	1	13	0
28	208 10 12 CARBONDALE LN	\$57,444	BROWN ALAN & GAYLE M	0.6	2	3	0	3	3
29	1249 1251 BETHEL RD	\$39,285	REESE LENA CURTIS	1.07	2	1	1	2	7
30	126 128 130 132 ELM ST	\$89,818	FINLEY RICKEY J & KATHY M	0.87	2	2	0	2	0
31	102 104 106 108 HOLLAND DR	\$84,702	GETTYS MARTHA ET AL	2.8	2	3	0	1	0
32	1405A/F E UNION ST /MORG	\$51,648	MCDAVID TERESA & PARKER IAN	2.77	2	1	1	1	1
33	802 ST MARYS CHURCH RD	\$91,165	WEBB CLARENCE E DECEASED	4	2	1	1	1	0
34	125A/C CAMELLIA GARDEN ST	\$526,009	KIM CHIN P & KYUNG JA	3.56	2	1	1	1	46
35	1315 CARBON CITY RD	\$66,790	LONG BARRY DEAN & KIMBERLY C	0.32	2	2	0	6	14
36	1921L1/L2 DUCKWORTH AVE	\$60,870	BUCHANAN CAROL J	14.72	2	0	2	0	0
37	210 BURKE DR	\$36,800	ROGERS CHARLES J & ELAINE B	0.38	2	1	1	5	0
38	125 LEONHARDT RD	\$30,788	LACKEY DANNY LANE	0.58	2	2	0	3	5
39	705 E PARKER RD	\$133,638	EVANS CYNTHIA C & EVANS ANDREW	3.04	2	2	0	1	1
40	211 BELIEVERS WAY	\$28,193	ROBINSON PHYLLIS T LIFE ESTATE	0.31	2	1	1	6	0
41	710A/B 712 E PARKER RD	\$77,909	DENTON PRESTON R & BEATRICE RI	1.5	2	1	1	1	3
42	840A/C VINE ARDEN RD	\$24,800	WHETSTINE BEULAH T	0.48	2	0	2	4	0
43	134 WHISPERING PINE ST	\$28,862	CLARK BRYAN C	0.64	2	1	1	3	1
44	136 DOGWOOD RIDGE RD	\$46,435	GANTT LORA T	0.92	2	1	1	2	0

ORDINANCE # 15 -

CONSIDERATION TO AMEND THE ZONING ORDINANCE FOR THE CITY OF MORGANTON TO CLARIFY THE CONDITIONS BY WHICH FAMILY CARE HOMES MAY BE ESTABLISHED

WHEREAS, the City of Morganton has been given the responsibility and authority to regulate the use of land for the purpose of promoting orderly development and protecting the health, safety and general welfare of Morganton citizens through the use of zoning authority granted to it by NC-GS 160A-360; and

WHEREAS, utilizing this authority the City adopted a New Zoning Ordinance, effective January 1, 2015, that created broad land use categories that permits and limits various land uses by their intensity rather than their more traditional use; and

WHEREAS, under the new Intensity Based Zoning Ordinance, Family Care Homes were inadvertently restricted to fewer locations than permitted under the previous Zoning ordinance, due to the condition of one-half mile spacing between homes; and

WHEREAS, the City acknowledges that the one-half mile spacing condition is authorized by NC GS 168-22, but it has also been determined that under the New Zoning Ordinance this condition should only apply within Low Intensity Districts (LID) and Neighborhood Conservation Overlays, and not all other intensity based districts. By implementing such a change unnecessary barriers to developing this use will be removed and not adversely impact the surrounding community.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the City Council of the City of Morganton that:

Chapter 4, entitled "Zoning" of Part 9 of the Charter and Code of Ordinances for the City of Morganton is amended as follows:

1. Article 3 entitled "Zoning Districts & Uses" is amended by deleting paragraph (D) (3) of Section 3.4.2 and inserting in its place and stead the following:

- (3) No Family Care Home may be located within a Low Intensity District (LID) or within a Neighborhood Conservation Overlay (NC-O) if it is within one-half (1/2) mile radius of any other Family Care Home.**

It is the intention of the City Council and it is further ordained that the provision of this Ordinance, as set out above, shall become and be made a part of the Code of Ordinances for the City of Morganton effective immediately upon adoption, and to accomplish such intention, sections may be renumbered, captions added, sections retitled, section references corrected and any repeal or replaced provisions deleted.

Adopted on this the _____ day of _____, 2015.

Mayor

Attest:

Clerk

NORTH CAROLINA

CERTIFICATION

BURKE COUNTY

I hereby certify that the foregoing is a true and accurate copy of an Order adopted by the City Council of the City of Morganton at a duly convened and held Council meeting on _____, 2015, at _____ p.m. in the Council Chambers in the City Hall of the City of Morganton.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of the City to be affixed, this the _____, day of _____, 2015.

CITY OF MORGANTON

(SEAL)

By: _____
Assistant City Clerk

* * *

NORTH CAROLINA

ACKNOWLEDGEMENT

BURKE COUNTY

I, _____, being a Notary Public of Burke County, North Carolina, do hereby certify that Kelly Russell, Assistant City Clerk to the City of Morganton appeared before me this day and acknowledged the due execution of the foregoing instrument.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this the _____ day of _____, 2015.

Notary Public

My Commission Expires: _____

Family.Care.Home Ordinance

Article 3.
Family Care Homes.

§ 168-20. Public policy.

The General Assembly has declared in Article 1 of this Chapter that it is the public policy of this State to provide persons with disabilities with the opportunity to live in a normal residential environment. (1981, c. 565, s. 1; 2005-450, s. 1.)

§ 168-21. Definitions.

As used in this Article:

- (1) "Family care home" means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.
- (2) "Person with disabilities" means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b. (1981, c. 565, s. 1; 1985, c. 589, s. 62; 1995, c. 535, s. 36; 2002-159, s. 24; 2005-450, s. 1.)

§ 168-22. Family care home; zoning and other purposes.

(a) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts of all political subdivisions. No political subdivision may require that a family care home, its owner, or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance from any such zoning ordinance or plan; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home.

(b) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by political subdivisions or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements. (1981, c. 565, s. 1; 1993 (Reg. Sess., 1994), c. 619, s. 1; 1999-219, s. 3.2.)

§ 168-23. Certain private agreements void.

Any restriction, reservation, condition, exception, or covenant in any subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property which would permit residential use of property but prohibit the use of such property as a family care home shall, to the extent of such prohibition, be void as against public policy and shall be given no legal or equitable force or effect. (1981, c. 565, s. 1.)

TABLE 3.1: PERMITTED USES

Agricultural Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Conditions
Bona fide farms (excluding swine production, see Section 1.4.2 for ETJ exemption)	Not permitted in NC-O	P	P	P		P	P	3.4.1 (C)
Equestrian uses (horseback riding, stables)		P	P	P		P	P	3.4.1 (A)
Livestock and fowl keeping (accessory to residential use)		P	P	P		P	P	3.4.1 (B)
Livestock and fowl keeping (principal use)	Not permitted in NC-O	P						3.4.1 (C)
Greenhouse or horticultural nursery (no retail sales)	Not permitted in NC-O	P		P		P	P	
Produce Stand (permanent)	Not permitted in NC-O	P	P	P		P	P	3.4.1 (D)
Residential Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Conditions
Accessory dwellings		P	P	P	P		P	3.4.2 (A)
Accessory structures (residential)		P	P	P	P		P	3.4.2 (B)
Bed & breakfast inns	Not permitted in NC-O	P	P	P	P			3.4.2 (C)
Boarding and rooming houses	Not permitted in NC-O		P	P				
Family care homes		P	P	P	P		P	3.4.2 (D)
Home occupations, customary (includes daycare homes)		P	P	P	P		P	3.4.2 (E)
Home occupations, intensive	Not permitted in NC-O	P	P	P				3.4.2 (F)
Manufactured homes on individual lots-see Section 3.2.2	Only permitted in MH-O							
Multi-family dwellings (includes apartments & townhomes)	Not permitted in NC-O	P	P	P	P		P	3.4.2 (G)
Single-family dwellings (detached)		P	P		P		P	
Two-family dwellings (duplexes)	Not permitted in NC-O	P	P	P	P		P	
Civic, Government, & Institutional Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Conditions
Cemeteries	Not permitted in NC-O	P	P	P			P	3.4.3 (A)
Colleges, universities, & associated facilities				P	P		P	
Community outreach offices	Not permitted in NC-O	P	P	P	P		P	3.4.3 (A & B)
Correctional facilities	Not permitted in C-O, RD-O				P	P	P	
Daycare centers, child and adult	Not permitted in NC-O	P	P	P	P		P	3.4.3 (A)
Emergency services (fire, police, EMT, & similar uses)	Not permitted in NC-O	P	P	P	P	P	P	3.4.3 (A)
Government office buildings	Not permitted in NC-O		P	P	P	P	P	3.4.3 (A)
Hospitals, public and private				P	P		P	

(f) The structure shall be connected to water, sewer, and electric utilities to comply with State law.

(g) No signage is permitted.

(h) The structure shall be removed within 60 days of a mentally or physically impaired person no longer receiving assistance from the structure.

(C) Bed and Breakfast Inns

Within in the LID and MID zoning districts:

(1) Bed and Breakfast Inns shall only take their access from streets classified as collectors and arterials as shown on the Morganton Thoroughfare Classification Map.

(2) The maximum number of rooms for rent shall be five (5). Accessory structures may be used for rooms.

(3) No more than two (2) employees not residents on the property shall be employed at the facility and the operator shall reside on the premises.

(4) The facility shall not be used to attract non-guests to the restaurant or assembly halls.

(D) Family Care Homes

In accordance with NC General Statute Chapters 122C, 131D and 168, these uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

(1) No more than six (6) residents other than the operator and operator's immediate family are permitted to live in a Family Care Home.

(2) A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.

(3) No Family Care Home may be located within a one-half (1/2) mile radius of any other family care home.

(4) No exterior signage is permitted.

(5) No lockdown, violent, or dangerous residents.

(6) Only incidental and occasional medical care may be provided.