

Housekeeping Amendments:**1) 30-3.C.3. Agricultural-Residential (AR) District**

AR AGRICULTURAL-RESIDENTIAL DISTRICT	PURPOSE	
	The Agricultural-Residential (AR) District is established and intends to accommodate rural uses, including agricultural uses, uses that complement or support agricultural uses, and very low-density residential uses. It encourages residential development that preserves farmland and other open space through flexibly-designed conservation subdivisions.	
DIMENSIONAL STANDARDS [1]		
DIMENSIONAL STANDARD	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	20,000	n/a
Lot width, min. (ft.)	100	n/a
Gross residential density, max. (dwelling units/acre)	2	n/a
Lot coverage, max. (% of lot area)	25	[2]
Height, max. (ft.)	35	35; 15 where abutting a single-family zoning district or use and within a 10 foot setback
Front and corner side setback, min. (ft.)	30	Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.)	15	
Rear setback, min. (ft.)	35	5
NOTES:		
[1] The gross residential density standard applies to conservation subdivisions, but lot area, lot width, and lot coverage standards do not apply. Setback standards apply only from the perimeter of the conservation subdivision.		
[2] Accessory structures/use areas associated with an agricultural use may exceed a principal dwelling unit's size. Accessory uses associated with all other permitted uses shall not exceed the lesser of: 1,500 square feet in size or 15 percent of the allowable lot coverage.		

30-3.C.3 Agricultural Residential (AR) District**Purpose and Dimensional Standards Table**

Notes: [2]

Accessory structures/use areas associated with an agricultural use may exceed a principal dwelling unit's size. Accessory uses associated with other permitted uses shall not exceed the lesser of: 1,500 square feet in size or ~~15~~ 25 percent of the allowable lot coverage.

Explanation:**Accessory Structures Size Allowance in AR Residential District:**

Each zoning district indicates the maximum allowed size of accessory structures and the percentage of allowable lot coverage for accessory structures.

Proposed Amendment: The amendment would allow the maximum accessory structure size to be 1,500 sq. ft. or a maximum of 25% of the lot coverage instead of 1,500 sq. ft. in size or a maximum of 15% of the lot coverage. This is more consistent with the allowance in SF15 and SF10.

Reason: Standards for the AR district are different than SF15 and SF10 because of the assumption that the average lot size in the AR district is larger but in reality the AR lot sizes are generally not a great deal larger than the lot sizes in SF15 and SF10. The amendment establishes a more consistent size for accessory structures in the AR district in relation to that allowed in SF15 and SF10, otherwise at times the allowable size could be smaller than allowed in SF15 and SF10.

Example:

Accessory Structure	SF10		SF15		AR (Current)		AR (Amended)	
Lot Size Minimum	10,000		15,000		20,000		20,000	
Max. Accessory Structure Size		Allowed		Allowed		Allowed		Allowed
Percentage of Lot Coverage Allowed	30%		25%		25%		25%	
Maximum Accessory Structure Size Allowed	1,500		1,500		1,500		1,500	
Maximum Percentage of Lot Coverage Allowed for Accessory Structure	25%	750 sq. ft.	25%	938 sq. ft.	15%	750 sq. ft.	25%	1,250 sq. ft.

2) 30-9.D. Definitions

Religious Institution

A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, **temporary overflow emergency shelters for the homeless (as defined by and in compliance with the North Carolina Building Code)**, caretaker's housing, pastor's housing, and group living facilities such as convents.

Explanation:

Religious Institutions definition:

Add to the definition of Religious Institutions that the temporary housing of the homeless is an allowed accessory use of a religious institution.

Proposed Amendment: Amends the definition to reference the NC Building Code that addresses this issue.

Reason: Allow this type of use when associated with a religious institution as this is a common mission of religious institutions and the use at these facilities is addressed in the NC Building Code but not currently within the UDO.

3) **30-5.A.7. Dimensional Standards for Parking Spaces and Aisles**

a. **General**

Standard car parking spaces and parking lot aisles shall comply with the minimum dimensional standards established in Table 30-5.A.7, Dimensional Standards for Parking Spaces and Aisles, and Figure 30-5.A.7, Parking Stall Measurement.

Table 30-5.A.7: Dimensional Standards for Parking Spaces and Aisles				
PARKING ANGLE	STALL WIDTH (FEET)	STALL DEPTH (FEET)	AISLE WIDTH FOR TWO-WAY TRAFFIC (FEET)	AISLE WIDTH FOR ONE-WAY TRAFFIC (FEET)
Parallel	9	22	20	12
45 degrees	9	18	20	14
60 degrees	9	18	20	18
90 degrees	9	20	24	24

Explanation:

Dimensional Standards for Parking Spaces and Drive Aisles:

Table 30-5.A.7. Provides standards for parallel and angled parking spaces and two-way drive aisle widths but does not address one-way drive aisle widths.

Proposed Amendment: Provides standards for one-way drive aisle widths.

Reason: One-way drive aisle widths is not currently addressed in the Code and a standard is needed to address this type of layout. This information has been approved by the City Traffic Engineer.

4) **30-5.F.4 Streets**

Streets in the City shall comply with the standards for public infrastructure in Article 30-6: Subdivisions, and the following:

a. **Street Design**

1. *Conformity to Existing Maps or Plans*

The street layout shall conform to the arrangement, width, and location of proposed streets on any **officially** adopted **City highway or** transportation plan or map. In areas where such plans are not completed, the streets shall be designed and located in accordance with:

- Existing and proposed streets;
- Existing topography;
- Natural features such as streams and stands of mature hardwood trees;
- Public convenience and safety; **and**
- The proposed use of land to be served by streets; **and**
- NCDOT Official Transportation Plan requirements for right-of-way reservation and/or dedication.**

Explanation:

Article 30-5.F. Community Form 4. Streets a. Street Design

Provides standards for street layout, arrangement, width, etc. in accordance with approved plans, existing streets, topography, safety, etc. The code indicates that street layouts, shown on plans to be approved by the City, should conform with 5 standards – the amendment proposes to add a 6th standard. This standard requires that NCDOT requirement for right-of-way reservation and/or dedication be adhered on State roadways.

Proposed Amendment: Adds wording that NCDOT requirement for right-of-way reservation and dedication should also be taken into consideration when designing streets and sites on NCDOT maintained roadways.

Reason: NCDOT indicated that the Cumberland County’s Code is clear on this issue and asked the City to clarify their Code. The amendment adds clarification that NCDOT requirements are a factor for consideration in street designs.

Alternative Plan Allowance Amendment:

5) 30-5.I. Commercial, Office, and Mixed-Use Design Standards

5. Administrative Adjustment

To further design excellence and creativity within the community, and to encourage a design creativity, the City Manager may allow minor changes in the design standards listed in this section in accordance with the procedure and requirements in Section 30-2.C.16, Administrative Adjustment, if the spirit and intent of this section continues to be adhered in the overall development design.”

30-2.C.16. Administrative Adjustment

e. Administrative Adjustment Standards

Administrative Adjustments shall be approved only upon a finding that the following standards are met:

1. *General*

The requested Administrative Adjustment is not inconsistent with the character or intent of development in the surrounding area, and will not result in incompatible uses or unreasonable negative impacts.

2. *Mitigates Adverse Impacts*

Any adverse impacts resulting from the Administrative Adjustment will be mitigated, to the maximum extent practicable.

3. *Technical Nature*

The Administrative Adjustment is of a technical nature (i.e., relief from a dimensional or design standard), and is:

- a. Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
- b. Supporting an objective or goal from the purpose and intent statements of the zoning district where located;
- c. Meeting the intent and effect of the separation otherwise required between two uses due to topographical or other circumstances related to the specific situation; or
- d. Proposed to save healthy existing trees.

4. *Not Substantially Interfere with Convenient and Enjoyable Use of Adjacent Land*

The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety.

5. *Connectivity Index*

Adjustment to the minimum connectivity index score is allowable when it is demonstrated the landowner has attempted to develop a street design that complies with the connectivity index to the maximum extent practicable, but it is reasonably impossible, due to either:

- a. Topographical or environmental conditions; or
- b. The limited number of external connections to the site, and the physical features of the site.

6. ***Commercial, Office, and Mixed-Use Design Standards and Large Retail Development***

Commercial, Office, and Mixed-Use Design Standards and Large Retail design standards may be adjusted when it is determined that the Administrative Adjustment will result in new development that is more consistent with the goals of the comprehensive plan and the purpose and intent of this Ordinance than would otherwise result from a strict application of the ~~large retail design standards in Section 30-5.J. Large Retail Design Standards~~ design standards in Sections 30-5.I. Commercial, Office, and Mixed-Use Design Standards and 30-5.J. Large Retail Design Standards.

Explanation:

Allowance for an Alternative Elevation Plan through the Administrative Adjustment Process currently in Place for Large Retail Developments only:

The Code allows for Alternative Landscape Plans and Alternative Parking Plans – however it does not allow for Alternative Elevation Plans. The Code for Large Retail Design Standards allows for design lee-way through an Administrative Adjustment and refers to the Administrative Adjustment standards that includes a provision for Large Retail Design.

Proposed Amendment: The amendment will allow an alternative elevation plan for Commercial, Office, and Mixed-Use through the same Code that's in place that allows alternative elevation plans for Large Retail Design, through an Administrative Adjustment process.

Reason: To allow an alternative elevation plan through the Administrative Adjustment process will allow creativity in design and consideration of corporate design requirements. An Administrative Adjustment from design standards is not to be used as a way to avoid desirable design options consistent with the Code but only as a way of providing lee-way in architectural elements.

6) **30-5.K.3. Transitional Standards**

e. Off-Street Parking Areas

1. The total amount of off-street parking shall ~~not exceed~~ **comply with** the required minimum specified in Table 30-5.A.4.b, Minimum Off-Street Parking Requirements, ~~except as approved through and may be reduced through~~ an Alternative Parking Plan (see Section 30-5.A.8) that demonstrates ~~an addition or such~~ reduction will not have an adverse impact on the adjacent residential development.
2. When required, off-street parking shall be established in one of the following locations (listed in priority order) (see Figure 30-5.K.3.e, Parking in Transitional Areas):

- a. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
 - b. Adjacent to lot lines abutting nonresidential development;
 - c. Adjacent to lot lines abutting mixed-use development;
 - d. On a lot's corner side;
 - e. Behind the building;
 - f. In front of the building; or
 - g. Adjacent to lot lines abutting single-family detached dwellings.
3. Parking structure façades adjacent to single-family detached development shall not be configured to appear as solid building walls, to soften their visual impact.
 4. Off-street surface parking areas located adjacent to single-family detached residential development shall be screened by a Type D perimeter buffer (see Section 30-5.B.4.d, Property Perimeter Landscape Buffers).

Explanation:

Allowance for an Alternative Parking Plan for an increase or decrease in the required number of parking spaces in the Transitional Standards where currently only allowed for a decrease:

The Code allows for Alternative Parking Plans to increase or decrease the number of required parking spaces throughout the Code – however it only allows for a reduction of the number of required parking spaces for properties that must comply with the Transitional Standards, i.e. properties adjacent to single-family residential properties.

Proposed Amendment: The amendment will allow an Alternative Parking Plan in the Transitional Standards in the same manner that it is allowed throughout the Code.

Reason: To allow an Alternative Parking Plan to increase or decrease the number of required parking spaces will allow staff to review each development individually to determine, based on use, location, hours of operation, etc. if an increase or decrease in the number of parking is necessary and if it will adversely affect the adjacent residential property.

Review Process Amendment:

7) 30-2.C. Administration – Standards and Requirements for Development Applications

5.b. Site Plan – Applicability

1. Major Site Plans

Unless exempted in accordance with Section 30-2.C.5.b.3, Exemptions, the following developments shall be required to have a Major Site Plan approved in accordance with this section before issuance of a Building Permit:

- a. New nonresidential or multi-family development with two or more buildings;
- b. New single-building non-residential development or additions with ~~2,500~~ 1000 square feet or more in gross floor area;
- c. New single-building multi-family development with ~~eight~~ five or more dwelling units;
- d. Developments that result in a new street connection with an existing street or street stub in a single-family residential neighborhood; and
- e. Zero-lot-line development.

2. *Minor Site Plans*

Unless exempted in accordance with Section 30-2.C.5.b.3, Exemptions, the following developments shall be required to have a Minor Site Plan approved in accordance with this section before issuance of a Building Permit:

- a. Changes in use;
- b. New single-building nonresidential development or additions of less than ~~2,500~~ 1000 square feet in gross floor area;
- c. New single-building, multi-family development with ~~seven~~ four or fewer dwelling units; and
- d. New development on a lot existing on July 1, 2011 and that is nonconforming with respect to the base zoning district requirements and that seeks reduction(s) in side or rear lot lines in proportion to the percent nonconformity of the lot, up to a maximum of 20 percent (see Section 30-7.D.2 Development of Unimproved Nonconforming Lots). Such approved side or rear setback reductions must be recorded in a manner consistent with the recordation of approved variances (See Section 30-2.C.14.e.5 Expiration).

5.d. Major Site Plan Procedure

1. *Basic Procedures*

Except as modified by Sections 30-2.C.5.d.2-5 below, procedures and requirements for the submission, completeness determination, review, recommendation, and decision on applications are as established in Section 30-2.B, Common Review Procedures.

2. *Review and Action by Technical Review Committee*

- a. The City Manager shall organize and conduct a meeting of the Technical Review Committee to consider the application and relevant support materials, and make comments and recommendations based on the application's compliance with the standards in Section 30-2.B.9, Decision by Technical Review Committee or City Manager, and Section 30-2.C.5.f, Site Plan Standards. If the Technical Review Committee determines the Major Site Plan application complies with the standards in Section 30-2.C.5.f, Site Plan Standards, it shall approve the application or approve the application with conditions (see Section 30-2.B.16, Conditions of Approval).
- b. In all other instances, the City Manager shall transmit, in writing, the Technical Review Committee's comments and recommendations to the applicant and invite the applicant to revise the application to address those comments and recommendations.
- c. In cases where revision of the application is required, the applicant shall be provided 45 business days to revise the application. If a revised Major Site Plan application is not received within that time frame, the application shall be considered withdrawn. Upon receipt of a revised application within the appropriate time frame, the Technical Review Committee shall review and take action on the revised application in accordance with the procedures of Section 30-2.B.9, Decision by Technical Review Committee or City Manager, and the standards in Section 30-2.C.5.f, Site Plan Standards.

3. *Conditions of Approval*

In approving a Major Site Plan, the Technical Review Committee may impose appropriate conditions on the approval in accordance with Section 30-2.B.16, Conditions of Approval.

4. *Appeal*

- a. Except for decisions related to new street connections to streets or street stubs in an existing single-family residential neighborhood (see Section 30-5.F.4.G, External Street Connectivity), an appeal from the Technical Review Committee's decision on a Major Site Plan application shall be reviewed and decided by the Planning Commission in accordance with Section 30-2.C.18, Appeal.
- b. The Technical Review Committee's decision on a new street connection to an existing street or street stub in an existing single-family residential neighborhood may be appealed to the City Council in accordance with Section 30-2.C.18, Appeal.

5. *Expiration*

Major Site Plan approval shall automatically expire at the end of two years following the date of approval if a Building Permit for at least one building in the development is not approved. Any subsequent nine-month period of inactivity without a valid permit shall constitute expiration. A change in ownership of the land shall not affect this time period.

5.e. Minor Site Plan Procedure

1. *Basic Procedures*

Except as modified by Sections 30-2.C.5.e.2-5 below, procedures and requirements for the submission, completeness determination, re-view, recommendation, and decision on applications are as established in Section 30-2.B, Common Review Procedures.

2. *Review and Action by City Manager*

The City Manager shall review and take action on the application in accordance with the procedures of Section 30-2.B.9, Decision by Technical Review Committee or City Manager, and the standards in Section 30-2.C.5.f, Site Plan Standards.

3. *Conditions of Approval*

In approving a Minor Site Plan, the City Manager may impose appropriate conditions on the approval in accordance with Section 30-2.B.16, Conditions of Approval.

4. *Appeal*

An appeal from the City Manager's decision on a Minor Site Plan application shall be reviewed and decided by the Planning Commission in accordance with Section 30-2.C.18, Appeal.

5. *Expiration*

Minor Site Plan approval shall automatically expire at the end of two years following the date of approval if a Building Permit is not approved. A change in ownership of the land shall not affect this time period.

Explanation:

Amend the Code regarding what constitutes a Major Site Plan and a Minor Site Plan:

The Code differentiates site plans as major and minor and established a review process for each, indicating that major site plans are reviewed by the Technical Review Committee and minor site plans are reviewed through the building and zoning permit process. Code requirements are the same regardless of the process of review.

Proposed Amendment: The amendment changes the square footage and number of units that differentiates a major site plan from a minor site plan. The change will allow more plans to be coordinated and reviewed through the Technical Review Committee process.

Reason: Frequently minor site plans, which are not required to go through the Technical Review process, are reviewed by the Technical Review Committee as a courtesy review. The project design teams find that meeting with the Technical Review Committee is easier than coordinating a review with individual staff members from various departments. The Technical Review Committee provides clear guidance on what is required and often this guidance is needed with smaller projects and/or developers. When plans are not reviewed through the Technical Review process the development requirements and process can become confusing and cumbersome to the developer without the coordinated element of the Technical Review Committee.

Reason to change the square footage:

A fast food establishment that is 1,600 sq. ft. it is not required to go through the Technical Review process; a fast food establishment that is 2,550 would be required to go through the Technical Review process; the Code requirements and the impact to the area can be the same, therefore a coordinated review process should be required for both fast food establishments.

Reason to change the number of units:

The change would be consistent with the definition of Dwelling, Multi-Family: A dwelling containing five or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

Multi-Family Dwellings are also required to comply with 30-5.H.4. Multi-Family Design Standards

In 2016 - 15 cases and in 2017 - 10 cases were reviewed by the Technical Review Committee as a Courtesy Review. This amendment would have required 7 additional TRC reviews in 2016 and 11 in 2017 (4 of which were reviewed by TRC as Courtesy Reviews) so actually 7 additional TRC reviews.

Fees:

The fee schedule for a Major Site Plan review is: \$500.00 plus \$20.00 per 1,000 sq. ft. of base floor elevation

Example: the site plan review fee for a 2,000 sq. ft. building would be \$500.00 plus $20.00 \times 2 = \$540.00$

Staff proposes that the additional reviews this amendment would consider as Major Site Plans not be charge a review fee until the new FY19/20 fee schedule is adopted; no fee increase is proposed for Major Site Plan review.