

PLANNING BOARD MEETING

Wednesday, April 5, 2023

6:00 PM

City Hall Council Chambers

300 West Crowell Street

Monroe, NC

Revised Agenda

- Item 1. Call to Order – Roll Call
- Item 2. Pledge of Allegiance and Moment of Silence
- Item 3. Approval of Minutes –March 1, 2023
- Item 4. Zoning map amendment for property located at 316 Normand Street and further identified as tax parcel #: 09-192-046 from General Industrial (GI) to Residential Medium Density (RMD).
- Item 5. Zoning map and text amendment for the property located at 212 N. Main Street and further identified as tax parcel #: 09-232-052 from Downtown Central Mixed-Use (DC-MX) to Conditional-Commercial (C-C) “Charlie’s Angels”.
- Item 6. Annexation of 42.11 acres and a zoning map and text amendment for properties located along Lancaster Avenue and ML King Boulevard further identified as tax parcel #'s: 09-321-008-80, 09-321-008-90, and 09-321-008-A. The request is to annex and rezone the properties from Union County RA-40 and City of Monroe Residential Medium Density (RMD) to Planned Unit Development (PUD) “Lancaster Avenue”.- ***APPLICANT IS DEFERRING TO A FUTURE PLANNING BOARD DATE. THIS ITEM WILL NOT BE HEARD AT THIS MEETING.***
- Item 7. Zoning Text Amendments to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.5: Planned Districts; Sections 5.5: Community Corridor Mixed-Use 1 District; Section 5.6: Community Corridor Mixed-Use 2 District; Section 5.7: Regional Corridor Mixed-Use District; Section 6.3: Historic Districts; Section 7.4: Home Occupation, and Section 8.7: Design Standards-Applicability.
- Item 8. Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.1: Table of Permissible Uses.
- Item 9. Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.10.1.B: Density and Intensity; Section 5.1.B: Mixed-Use Zoning Districts, Purpose and Intent; and Section 11: Definition of Terms.
- Item 10. Next Meeting: May 3, 2023
- Item 11. Adjournment

ATTENTION BOARD MEMBERS:

Please contact Ashlyn Penegar at 704.282.4527 or Lisa Stiwwinter at 704.282.4569 to confirm your attendance. Thank you.

cc: Planning Staff
Ashley Britt

PLANNING BOARD MEETING

March 1, 2023 @ 6:00 PM
City Hall – Conference Room
300 W. Crowell Street, Monroe, NC

Emailed to S. Laney on:

Item 1. Call to Order/Roll Call

Vice Chair, Jennifer Smith called the March 1, 2023 meeting to order at 6:00 p.m. Ashlyn Penegar called the roll and noted there was a quorum was present.

Members Present: Jennifer Smith (Vice Chair), Richard Ali, Margaret Desio, Kenneth Deal, Patrick and Archie Morgan

Members Absent: Richard Yercheck (Chair)

Staff Present: Doug Britt, Senior Planner, Ken Honeycutt, Contract Attorney for the City, Ashlyn Penegar, Administrative Assistant II

Guests: Ron Fowler, City of Monroe Fire Chief, Greg Collins, City of Monroe Assistant Fire Chief, Jonathan Holland

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes of Meeting- January 4, 2023

Motion: Archie Morgan made a motion to approve the January 4, 2023 minutes.

Second: Richard Ali

Action: The motion to approve the minutes passed unanimously with the following votes:

AYES: Jennifer Smith, Richard Ali, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan

NAYS: None

Item 4. Zoning map amendment for a portion of the property located at 802 Circle Drive and further identified as a portion of tax parcel 09-195-010 from Residential Medium Density (RMD) to Office Medical (OM).

Doug Britt came forward and said tonight I am here presenting a zoning map amendment for a portion of the property located at 802 Circle Drive and further identified as a portion of tax parcel 09-195-010 from Residential Medium Density (RMD) to Office Medical (OM).

The City of Monroe has received a request from Holland Partnership, LLC to rezone the 0.62 acres from Residential Medium Density (RMD) to Office Medical (OM). The Office Medical (OM) district

is intended to implement office and medical uses. The district is designed to accommodate a mixture of office, medical, and residential uses.

This portion of the property is currently vacant with no improvements.

The Land Use and Transportation Plan indicates this area is Traditional Development. The Traditional Development area surrounds the downtown core and is anchored by the City's most historic neighborhoods. This designation allows some small-scale commercial and service uses that support surrounding residences. The dense transportation network offers easy access to downtown. Commercial is a priority use in this designation.

Planning staff believes the request is consistent with the Land Use and Transportation Plan being this property will be accessed from Circle Drive and the fact the properties in close vicinity have nonresidential zoning.

A rezoning notification sign will be posted 10 days prior to the public hearing.

An official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing.

Staff does recommend approval of the zoning request and I will be glad to answer any questions and someone from Holland Funeral Home is here as well if you have any questions for them.

Vice Chair asked does anyone have any questions for Doug?

Patrick Furr said Doug, let me ask you one thing. They are asking for this zoning; do they have any clarification as to what they are wanting to put on it or are they just speculating for the future to have it rezoned now for whatever they want to do in the future.

Doug Britt said correct.

Patrick Furr asked it is speculating?

Doug Britt said yes, they own the property and this is zoned residential, and business wise, there isn't a whole lot you can do business wise with Residential Medium Density properties, so they are asking to rezone to the Office Medical, because Office Medical allows office uses and allows crematoriums and funeral homes, which is their line of business.

Archie Morgan asked say that again, please? Office Medical allows what?

Doug Britt said it allows residential, but it also allows primarily office uses and one of which would be a funeral home or crematorium, it would be allowed in that district as well.

Archie Morgan said ok.

Jonathan Holland, owner of Holland Funeral Service, stepped forward and introduced himself. He said I am at 806 Circle Dr. in Monroe, NC. Thank you for having me here today. I just wanted to clarify, whenever we purchased that and you can't see it in that picture. But, our building is very close to that property line. We recently did a renovation on to our building and we purchased the property at that

same time, so that for the future, if we wanted to add onto our chapel or if we wanted to make our building bigger, but if I'm not mistake, at the time when we bought it, it was zoned OT. I'm not saying we didn't get the letter, but I just never saw it personally and whenever we went to go and merge the properties together, I couldn't do it because it was zoned residential and I'm not saying that we weren't aware, I wasn't aware. So, whenever we bought it, it was zoned OT and that's why we bought it.

Vice Chair asked and said Ashlyn, do you need his home address? I believe he gave the address of the site.

Mr. Holland said I can give you my house address, it's 3710 Edwards Rd. Wingate, North Carolina. But, that is all I have for you.

Vice Chair asked does the Board have any further questions for him?

Archie Morgan asked when something like this comes up, do neighbors have to be notified? That sort of thing?

Doug Britt said yes, we sent out our notification requirements when we did the site wide rezoning, so we sent out...

Archie Morgan asked was there a meeting with these? With the neighbors?

Doug Britt said he is speaking of when we did the city wide rezone.

Archie Morgan said ok.

Doug Britt said we sent out on two or three occasions, 10,000 letters as well as posting property throughout the City, as well as advertising in the paper, as well as posting on the website. Two or three times, we did a half page ad in the Enquirer Journal as well, so we met our notification requirements.

Vice Chair said I am assuming there is no one here that would speak for or against this project? Other than Jonathan. Thank you very much.

Mr. Holland said your welcome.

Kenneth Deal said if I might make a comment, I'm very familiar with this piece of property. It's near where I live, I drive by it all the time. I have noticed that the funeral home has made a significant amount of improvements to the property that they currently have and I can see where that type of business, if they need to expand, they need the additional breathing room, that particular piece of property is, unless you put a road in or something is inaccessible from anywhere but their piece of property. But, they've been a good neighborhood steward in that area of the community.

Archie Morgan said yes, it looks good.

Vice Chair said if there is no further questions or comments, we will go ahead and take action. Do I have a motion?

Motion: Margaret Desio made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance.

Second: Archie Morgan

Action: The motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance passed with the following votes:

AYES: Jennifer Smith, Kenneth Deal, Archie Morgan, Margaret Desio, Richard Ali and Patrick Furr

NAYS:

Motion: Margaret Desio made a motion recommending adoption of the Ordinance amending section 157.1.2.1- Official Zoning Map.

Second: Kenneth Deal

Action: The motion to recommend adoption of the Ordinance amending section 157.1.3.1-Official Zoning Map passed with the following votes:

AYES: Jennifer Smith, Kenneth Deal, Archie Morgan, Margaret Desio, Richard Ali and Patrick Furr

NAYS:

Margaret Desio said thank you, Jonathan.

Mr. Holland said thank you guys so much.

Item 5. Zoning map and text amendment for the property located along Rocky River Road and further identified as tax parcel # 07-012-007. The original rezoning request for Conditional District “Riverstone” was approved by City Council in June of 2021 and included a total of nine (9) parcels. The current request is to amend Conditional District “Riverstone” to allow a fire station as an allowed use for the overall project, and specifically for the fire station to locate on parcel 07-012-007 thus requesting to rezone the project from Conditional District (CD) “Riverstone” to Conditional District (CD) “Riverstone Amendment 1”

Doug Britt came forward and said tonight I am here presenting a zoning map and text amendment for the property located along Rocky River Road and further identified as tax parcel # 07-012-007. The original rezoning request for Conditional District “Riverstone” was approved by City Council in June of 2021 and included a total of nine (9) parcels. The current request is to amend Conditional District “Riverstone” to allow a fire station as an allowed use for the overall project, and specifically for the fire station to locate on parcel 07-012-007 thus requesting to rezone the project from Conditional District (CD) “Riverstone” to Conditional District (CD) “Riverstone Amendment 1”.

Just to give you a little bit of background, so when “Riverstone” was approved, obviously Planning Board heard it and Council eventually approved it.

Basically what it was, was a 564 residential subdivision. It had single family homes, detached homes, townhomes and a commercial area that was approved with it as well. So, obviously the commercial was, there was a grocery store and a couple few out parcels. The way that was set up and whenever that commercial comes back in or it's ready to develop, they will have to go back through the process as an amendment, just so Planning Board and Council can see what they are going to do. So, the reason we are here tonight is because what was not listed on there was any type of emergency services or quite specifically, a Fire Department use. So, that's why are having to go back for the amendment to the Conditional District, because we are adding a fire department use. It's like I told the fire department guys, everyone is not always excited about living beside a fire department, some people will, but some people won't. We are just doing our due diligence to make sure that this is legal, we are required to go back through our process as an allowed use on the property, even though they're not going to use it there and they're not going to be there forever. It's just going to be a temporary thing for them. But, even though that's the case, it's still required to be processed as an amendment. My map here shows all the parcels associated with "Riverstone" and I started with one in particular, which is the location of the 07-012007, there is an existing house that's located on the property and I don't know whether they are following through or going through with selling the property for "Riverstone", but it doesn't really matter. Because what happens is, when it was rezoned, it was rezoned. It doesn't matter whether they sell the property or not. So, they are going to occupy that house as a sleeping quarters for firemen and they are going to add an accessory structure that will probably be about 2,400 square feet or so that they will park the firetruck underneath, obviously when it's not in operation. That's how we got to where we are today. We are having to rezone the whole entire thing to allow as emergency services and fire department use to this conditional district, "Riverstone". On the zoning map, you can see all the pink color and that indicates the conditional district and all the brown is all county, RA-40. Then, the orange color represents the regional mix we have along the intersection at the bypass and Rocky River Rd. Then, further up, we have residential low density. This is a survey that shows this one parcel, in particular. You can see the house right here and there is an existing detached structure and they will be doing their accessory structure for the canopy or for the awning for the fire truck somewhere behind the house. They will be required to pull permits like anybody else would when they go to install that.

Archie Morgan asked Doug, did I hear you say that this will be a temporary facility?

Doug Britt said yes, sir. It will be temporary and I can let Greg Collins get up and speak to that. But, I know that they are eventually going to sign a lease with the property owner for a 2-year lease and then after that, it will be a month to month. But, that has no bearing on the zoning aspect of this. Zoning is completely separate from what they are doing. That's between the fire department and property owner.

Archie Morgan asked does this cut down on the 564 lots?

Doug Britt said no because what's going to happen is eventually this will be commercial, as it was approved. As I said, nothing has changed with the "Riverstone" project and I put it in the Staff Report, but I will go over it too. All the transportation stuff that was involved with it and the landscaping and the exterior materials, none of that has changed for "Riverstone". The only thing that's changing with "Riverstone" is now we are going to allow/add a fire department or emergency services as an allowed use, even those its temporary, it's still going to be an allowed use for the "Riverstone" project.

Archie Morgan asked why temporary? Are they going to build a bigger station?

Doug Britt said I can answer that and they probably can too. The City owns a piece of property out on Secrest Short Cut, kind of in between where Fowler Secrest comes into Secrest Short Cut and Ivan Secrest. The City owns a piece of property that is where they are going to have a permanent fire station. Poplin Place, where they were going to do the whole Home Depot and the Dicks up there at 74 and Fowler Secrest, they were required to somehow give the City that property. But, I wasn't here then, so I can't get into the details of that because I don't know all the details. But, somehow the City has had that property for years and guess it's been ear marked for a station for years and so this allows us to have a presence out there, which is obviously going to cut down on response times for emergency and fire out there in that area. The closest fire department service area would be the one on Old Charlotte Highway, out by the airport. So, it gives us a presence out there for emergency services and just from a zoning standpoint, they are trying to go through and make it right from the zoning standpoint.

Patrick Furr said let me ask you this. If I remember right, this was one of our first projects that this Board together worked on and we worked pretty hard on it. This is a very upscale residential neighborhood, it's Ken's, I believe it is. They are ok with the old house staying and putting up a temporary structure? They being the developer?

Doug Britt said they are only going to be there for two years. Like I said, with a 564 lot subdivision, it's not like you're going to blink your eyes and all 564 lots are going to be built in a year. We approved that in June of 2021. We are just now, I think we reviewed it twice from an erosion control standpoint, and there is nothing they've done wrong, it just takes a while to go through. They've only submitted one portion or one phase of the project and they don't have approval yet. I'm going to be honest, this is the area where the commercial will come last. The rooftops are going to come first.

Patrick Furr said the only other question I have is, Larry and Craig Leonard, over there at the greenhouses, ok with this going on?

Doug Britt said they own the property. They wouldn't consent to the lease if they weren't ok with it.

Patrick Furr said ok, I just wanted to make sure that everybody is hunky dory.

Doug Britt said the property is owned by Leonard Rentals, which is I guess Larry and his brother. I primarily deal with Larry, but it's Larry and his brother. I've spoken to Larry about it personally. Do you guys have any more questions for me?

Vice Chair said I don't think anyone is going to turn down a fire station.

Patrick Furr said I was just curious. Thanks, Doug.

Chief Fowler stepped forward and said thank you for what this Board does for the City and thank you for considering this.

Vice Chair said please state your name and address.

Chief Fowler said my name is Ron Fowler and I live at 908 Fowler Rd. Monroe. So, we were going to find a need for a fire station up in that northwest area of the city, just to cut down on our response times. As Doug mentioned, we do have a piece of property on Secrest Short Cut that we are planning to build a permanent station on, but it's going to take us a while. We have hired an architect and we are just starting that process, so it's probably going to be at least a two-year process to build that station. We need the service up there now. Council has actually approved the additional personnel, so we are actually hiring them in April. Our plan is to actually open this temporary station in August. I will introduce our Deputy Chief, Greg Collins, he's been the one that's actually been working with the property owner with renting this house. He has also talked to some of the residents there. I will turn it over to our Deputy Chief, Greg Collins.

Deputy Chief, Greg Collins, stepped forward and introduced himself. He said I live at 3929 Sikes Mill Rd. Monroe. Planning Board members, thank you for having us. Again, I've been working with Larry and Craig Leonard for probably about three months talking through, is there an opportunity, are you interested in renting it? They are. They still own the property, so it's part of the "Riverstone" development, as far as all the conditional use zoning together, but they haven't sold that property to do anything as part of the development. It's just included in it. So, they are very in favor of it and we've been working together for about three months. So, hopefully this will put you at ease Mr. Furr, that they have a strong desire for this to go through for a short period of time for us. I went and spoke to all the neighbors across the street from where the fire station would go. I went through and explained to them that this is what we are planning to do and quite honestly, the in person conversations were very positive. Everybody was really excited about it. Nobody spoke anything to me that they were negative and against. We still have to go through the notification for the whole all around the property process, but it was really good conversation with neighbors and I think they are excited to have us and we are excited to be there.

Margaret Desio said if they were against it, they would be here tonight screaming.

Deputy Chief, Greg Collins said that's true. They seemed to be very pleased. It was good conversation.

Kenneth Deal said assuming it gets approved, you need to go back to those residents and let them know when you are going to man it up because they can call their insurance companies and get their homeowners insurance lowered.

Margaret Desio said that's right.

Deputy Chief, Greg Collins said we are projecting, hopefully if all of this goes through to have all of this done and operating by the end of August out of this station. This has been a long time coming for us. It's been a big need for the people who live up there who need the service.

Vice Chair said thank you. Who would like to make a motion for the resolution?

Motion: Kenneth Deal made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance.

Second: Margaret Desio

Action: **The motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance passed with the following votes:**

AYES: **Jennifer Smith, Kenneth Deal, Archie Morgan, Margaret Desio, Richard Ali and Patrick Furr**

NAYS:

Motion: **Kenneth Deal made a motion recommending adoption of the Ordinance amending section 157.1.2.1- Conditional Districts Established and section 157.1.3.1- Official Zoning Map.**

Second: **Margaret Desio**

Action: **The motion to recommend adoption of the Ordinance amending section 157.1.2.1- Conditional Districts Established and section 157.1.3.1-Official Zoning Map passed with the following votes:**

AYES: **Jennifer Smith, Kenneth Deal, Archie Morgan, Margaret Desio, Richard Ali and Patrick Furr**

NAYS:

Vice Chair said I think that's all we have. Do we have any discussion for anything?

Kenneth Deal said I would like to bring up a port of order. Since our last joint meeting with City Council and the Planning Board, we identified some issues with the UDO at that point, which lead Council to drive some text amendment changes to the UDO. As we've had meetings since then, I've been very vocal about the fact that we need to fix other issues with the new UDO and that according to the UDO itself, this Board is poised and charged with participating in that procedure. With every meeting that we've had, I've begged to add UDO discussions to the agenda and I keep getting told that we are waiting for the joint meeting. We were told that it was going to be in January, then we were told that it was going to be in February. Now, it is March and I went through the Council schedule for the year and there is no joint meeting with the Planning Board on the schedule. I don't want to wait. Therefore, I make a motion tonight that we add permanently an agenda item for UDO discussions for the Planning Board so that we can start addressing these issues.

Motion: **Kenneth Deal made a motion to permanently add an agenda item for UDO discussions for the Planning Board.**

Second: **Patrick Furr**

Action: **The motion to permanently add an agenda item for UDO discussions for the Planning Board passed unanimously with the following votes:**

AYES: **Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr Richard Ali, and Archie Morgan**

NAYS: **None**

Doug Britt said just from a Staff question, you've got to give us a little more than that. What are you wanting? Are you wanting us to bring back section 1?

Vice Chair asked does he need to be more clear with that?

Doug Britt said when you say UDO, we can certainly discuss it. But, what are you wanting to bring back?

Kenneth Deal said we need to dissect it into specific sections and as I've stated before, to me, the most critical change needed to the UDO is the computation that we use to determine the density for a project. Because the way we do it now, is deceiving to the public. It doesn't identify true density of a division, because we consider gross acreage and once you select everything that is not buildable, they can still put the same amount of units on that piece of property, so you wind up with all the units on one piece because they can't put the units on the other piece. So, Mr. Civilian out here who lives in medium or low density areas is thinking one or two houses is going to go up next to him, then when it's done, there's six sitting there. That's not being open and fair to the public. That's not telling them the truth when we tell them that we've zoned it for two houses per acre, when they see four houses for the acre right adjacent to their fence.

Doug Britt said my question specifically is what section. Because when you say you want to speak density, we can do that at the next meeting. But, when you say UDO discussion, that goes anywhere from section one, all the way to the telecommunications towers. That's why I'm trying to get you guys to narrow it down.

Margaret Desio said where do we start, yes.

Vice Chair said narrow it down.

Patrick Furr said we want to pretty much leave it open. I've talked to City Council and they want to have a lot of discussion on this with us as well. We see there are some problems there, so we aren't going to identify them all tonight, we aren't prepared for that. We need to get together and get together with City Council and let's get this thing ironed out the way it should be for the people. So, can we identify them tonight, no. Is it going to be a broad spectrum to start with, yes? That's where we're at.

Doug Britt asked what's your expectations for us to bring to you on April 5?

Margaret Desio asked have we had a lot of pushback from the citizens on any particular area of the UDO? Of course the citizens don't understand it and they don't care about it until it affects their property.

Doug Britt said true.

Margaret Desio said I've had some complaints about the setbacks in commercial. I've had a couple of commercial brokers talk to me about the setbacks, particularly along Highway 74. They said they had some issues with the setbacks.

Doug Britt said the setbacks on 74 are, they are more than what they were in the old code. What they were in the old code, which I thought was kind of crazy, just because I've never worked at a place that had setbacks like we had in the old code. On 74, the setbacks in the old code were 50 ft. setbacks, they aren't more than 50 ft. setbacks in the new code. I will be honest, there are parts of the code that I have memorized, but it being 400 pages, there's more that I have not memorized than I have memorized. But, I will say the front setback is not as much as it was now. We ironed out a good bit of this when we

did the buffer text amendment. We were getting a lot of push back from the commercial people for the buffers, because they really weren't working. It's kind of like we said at the beginning, until you start rolling out and applying it, me personally, I can read something, but until I have to go apply it to see if it works, everything doesn't register exactly. We've had pushed back from developers not liking, because me and Keri had this conversation the other day, in 2020/2021 there were times when we probably had and I will say this too, you guys have not seen a project that's been approved under the new code. We are processing some projects, but everything that you see under construction was done under the old code. But, there's not been one project that's been approved under the new code as of yet. In 2020 and 2021, there were times where I might have had 12-13 different projects and so did Keri. So, we probably had 20-25 projects between us two and projects that were submitted in 2022, probably 7 or 8. Even though you might not like the ordinance, between the ordinance, between Planning Board and Council, being a little more choosy and between the economy, it's cut down on the amount of projects that we are processing. Is there a fair amount of construction going on, no doubt? Because it's projects that's been approved since 2018. Because just like I was giving an example and the whole thing with "Riverstone", especially with a larger project. Now a smaller project compared to a larger project, from when they get approved to when they go out on the ground. It could take a year and a half to two years. It could take a year and a half to two years from when they get approved to when they start pushing dirt. Then after they start pushing dirt, it could be another six to nine months to a year, for them to start getting vertical out of the ground. It's a slow process. Not all of it is on the city side because it takes them a while. There are no construction plans that are ready when they are going through the process for approval, because nobody is going to pay. The plans we show you all are about as good conceptual plans as you are going to get, without being fully engineered. But, nobody is going to fully engineer a site until they find out if it's going to be approved or not, because it's cost prohibitive to do that. It wouldn't make sense. My question is, what do you want us to bring forward at the next Planning Board meeting.

Kenneth Deal said we need to fix our UDO in this manner. Fix the UDO so that we compute density in the same way that the county does.

Archie Morgan said I think it behooves us when we do finally have that joint meeting. We would be up on that UDO as best as we can, when we do have that meeting, otherwise it's just going to slow things down.

Vice Chair said that's a great idea.

Margaret Desio said my pet peeve is allowing apartments in commercial zoning. I'd like to relook at that. Because I think that's dangerous for us.

Vice Chair said yes.

Patrick Furr said I think what we are all trying to say and we probably don't know how to get to that point is, between the conversations with Council Members and so forth and so on, somewhere along the lines, you, Planning Board and City Council has to get down and we need to discuss all of these issues and make any changes. Just like we did on that right to build. So, we've got to use some common sense. To be perfectly honest with you, I seriously doubt anyone on the City Council read that full thing, 500 pages. A few of us, not me, have read it and there are some issues. You would agree

with us to make your lives simpler, so we are all on the same playing field. So, that's kind of what we are looking to do.

Doug Britt said I will say this again....

Patrick Furr said you are coming right back with what do you want to talk about. Find something to talk about, so I can take it to Council.

Doug Britt asked what's your expectation for you all for April 5? Are we just talking about it?

Vice Chair asked what did you say?

Doug Britt said what is the expectation for April 5? Are we just going to talk about density?

Kenneth Deal said since I made the motion, I will go back with my paper copy of my UDO and I'll write it out and email it to you.

Vice Chair said that's what I was about to say. Let him write it out.

Kenneth Deal said there you go.

Doug Britt said I will be honest, by April 5, we are not going to be able to throw a piece of paper in front of you. There is going to be some back and forth, because at the same time, we require open space. The old ordinance didn't require open space, but we as Staff negotiated all the open space to get at least probably 20% on projects. But, truth be known, was there any black and white there for required and what's not, so now there is black and white that is a sliding scale of open space based on the size of the project. The only thing I caution you with, you have to be cautious because if you are going to require open space, if I'm requiring you to have 20 acres or 25 acres of open space, at the same time, am I not going to give you credit for open space for density purposes. Basically, I'm requiring it, but then you're going to ask if you get credit for that, because you're required to do that, but you're not going to get any credit for density. That's where a lot needs to be ironed out.

Kenneth Deal said a lot of the projects that we've seen has had a considerable amount of land, whether it was considered open space or not, was just unbuildable, because of streams and stream buffers or utility right of ways. The builder put in roads and streets to service the units they want to build.

Doug Britt said I will say even in the open space section now, I can't quote it, but I can tell you this, there is something in the open space now that says the required open space you giving, only a certain amount can be in a storm water pond, only a certain amount can be in a flood plain, only a certain amount can be in an easement. Basically, there was nothing in the old code, but we still tried. We got people to do stuff outside of flood plains. So, let's say if you are required to give 25 acres of open space, you can't give us 25 acres of open space and it all be in a flood plain, there are open space standards and there's about eight or nine little caveats that says you can't have no more than this percentage of this and no more of this percentage of that. It's all stuff that whittles away at what you can have in open space. Basically, it prevents someone from giving us an old oil field, or not a good piece of property for open space. Now, can they give us portions of that? Yes. We require open space,

but at the same time, we are going to take away from it as far as getting a density credit because there's parameters in there now that limits them for their open space for what they can have in it.

Kenneth Deal said right now, we give them density credit for everything.

Doug Britt said we do.

Kenneth Deal said whether it's required open space or unusable space for streams and buffers or whatever.

Doug Britt inaudible. You can try it for a little bit or we can whittle it away. If you want to take out the flood plain, we can take out the stream buffers, we can do that.

Margaret Desio said we don't need to reinvent the wheel. How does the county do it?

Kenneth Deal said right now the county does not consider unbuildable land, such as streams and stream buffers as part of the density for the lot. So, if they require one house on an acre and 25% of that is a protected stream buffer, then they need another 25% or quarter of an acre in order to build that house.

Margaret Desio said right.

Doug Britt said there's more open space, than stream buffer.

Kenneth Deal said I'm not going after open space; I'm going after non-buildable.

Doug Britt said when you say open space to me, it makes me register everything that's not either a road or a lot. So, you have to be more specific when you are talking. If you are wanting to take out stream buffers, to take that out of the density equation, you can do that. But, what I was asking, when you say take out the open space, if you are required to give 20 acres of open space, based on your project and say you have 100 acres, but if you say stream buffers, that's a conversation we can have. We can work through to take stuff like that out of the open space.

Vice Chair asked can we not have an informal meeting with all of us to discuss some of this?

Doug Britt said you can't....

Kenneth Deal said no, they won't allow it.

Doug Britt said once there is more than 4 or 5 of you all, it's a meeting because you have a quorum. So, are you all just wanting to have a discussion about density and no expectation on April 5?

Kenneth Deal said I'm not expecting you to come in with a proposed text amendment.

Doug Britt said that helps me, because when you say ordinance, the ordinance for me is cover to cover. But, if you tell me a discussion you want to have and we can work on some things between now and then of what we can take out of the open space to see if you all would like it.

Margaret Desio said all of us have different things about it that we don't like, bring them to the next meeting.

Patrick Furr said I really think we should take one or two of them at a time, instead of all of them.

Margaret Desio said instead of bringing to the meeting, we will just make a list and say at this meeting, we are going to take this one, at that meeting, we will take that one.

Patrick Furr said I like it. That's good.

Kenneth Deal said this will be a good one to cut out teeth on. Individual members can say I want to talk about section such and such, but why are we requiring two businesses to have the same. Businesses along 74 that have a 25 ft. buffer on each side of them.

Doug Britt said we changed that.

Kenneth Deal said I know, I'm just generalizing. If you put them on both of them, you wind up with 50 ft. and we are perfectly happy with the 20 or 25 ft. between them.

Margaret Desio said exactly. That's right.

Doug Britt said I'm going to say this; we are not going to have a perfect ordinance.

Margaret Desio said no, it never will be.

Doug Britt said perfect ones don't exist.

Margaret Desio said we want the best one we can get.

Doug Britt said there is no way to make it where it's perfect because even though you might have 10 great ideas from 10 smart people, it doesn't account for the guy that walks in off the street and then nobody thought of that one. That happens daily. You can't make it so tight so that there's no flexibility, because obviously the previous ordinance was too vague, but if you make it where it's so tight, you paint yourself in a corner. Every use is not identified in the use table. I look at it as what is it not and once I figure out what it is not. Then you just make interpretation on it's not this, but it's closer to this, so that's what we're going to go with. We are not going to have a perfect code; we can iron out some kinks for sure. We will come back in April with some ideas or things we can remove from the density calculation that we take out of it. Not, taking out all of the open space.

Kenneth Deal said I will send you the paragraphs out of the Union County UDO that talks about property density.

Doug Britt asked can you send it to Lisa and CC me on it? That will be fine.

Vice Chair asked does anyone have any more questions or anything else to say?

Item 6. **Next Meeting: April 5, 2023**

Item 7. **Adjournment**

Vice Chair said if there are no further questions, we will entertain a motion at this time to adjourn.

Motion: **Margaret Desio made a motion to adjourn.**

Second: **Richard Ali**

Action: **The motion to adjourn passed unanimously with the following votes:**

AYES: **Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr Richard Ali, and
 Archie Morgan**

NAYS: **None**

The meeting was adjourned at 6:44 p.m.

Respectfully Submitted,

Jennifer Smith, Vice Chair
Planning Board

Ashlyn Penegar
Secretary to the Board



STAFF REPORT

TO: Planning Board

DATE: April 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Zoning Map Amendment for the property identified as 316 Normand Street (tax parcel 09-192-046).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning map amendment for the property located at 316 Normand Street and further identified as tax parcel 09-192-046 from General Industrial (GI) District to Residential Medium Density (RMD).

REVIEW

The City of Monroe has received a request from Dugan Slappe of Piedmont SFR, LLC to rezone the subject property from General Industrial to Residential Medium Density. The Residential Medium Density (RMD) district is intended for a neighborhood development pattern and is intended to allow for a mix of housing types, including single family detached, townhouses/attached single family, and compatible uses.

The property is currently improved with one single family home on the site with a gravel driveway. The proposed use, residential, is not permitted in GI, General Industrial, which the property is currently zoned. The single family home has not had active utilities since September 2022 and has since lost its “grandfathered” status for single- family uses. As the property is currently zoned it can be utilized for uses allowed within the General Industrial District.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Industrial	GI, General industrial
East	Vacant	GI, General industrial
South	Single Family Residential	RMD, Residential Medium Density
West	Industrial	GI, General Industrial

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Use and Transportation Plan indicates this area is Manufacturing, Logistics, and Aerospace. This designation supports manufacturing and production at a variety of scales, including assembly and processing, warehousing and distribution, bulk storage, and utilities. Manufacturing, Logistics, and Aerospace areas are found near major transportation assets (e.g., highway, rail, and/or air) and generally are buffered from surrounding development.

Planning staff believes the request is not consistent with the Land Use and Transportation Plan because the proposed rezoning to RMD will re-establish a residential use in an area designated for industrial development.

PUBLIC NOTIFICATION

A rezoning notification sign will be posted 10 days prior to the public hearing.

An official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing.

RECOMMENDATION

Planning Staff recommends denial of the rezoning.

Planning Board will need to take action on the following items:

- *Motion to recommend adoption of a Resolution Approving Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution **OR***
- *Motion to recommend adoption of the Resolution Denying Land Use and Transportation Plan Compliance*

If the Resolution of Land Use and Transportation Plan Compliance is recommended for approval, the Planning Board will also need to make the following motion:

- *Motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map.*

If the Resolution of Land Use and Transportation Plan Compliance is recommended for denial, the Planning Board will also need to make the following motion:

1. Motion to recommend denial of the zoning map amendment

Attachments:

Attachment 1-Ortho Map

Attachment 2-Zoning Map

Attachment 3-Future Land Use Map

Attachment 4-FLUM Description

Attachment 5-R-2022-XX Approval

Attachment 6-R-2022-XX Denial

Attachment 7-O-2022-XX Section 157.1.2.1

Ortho Map

Case #: PLMA-2023-00118

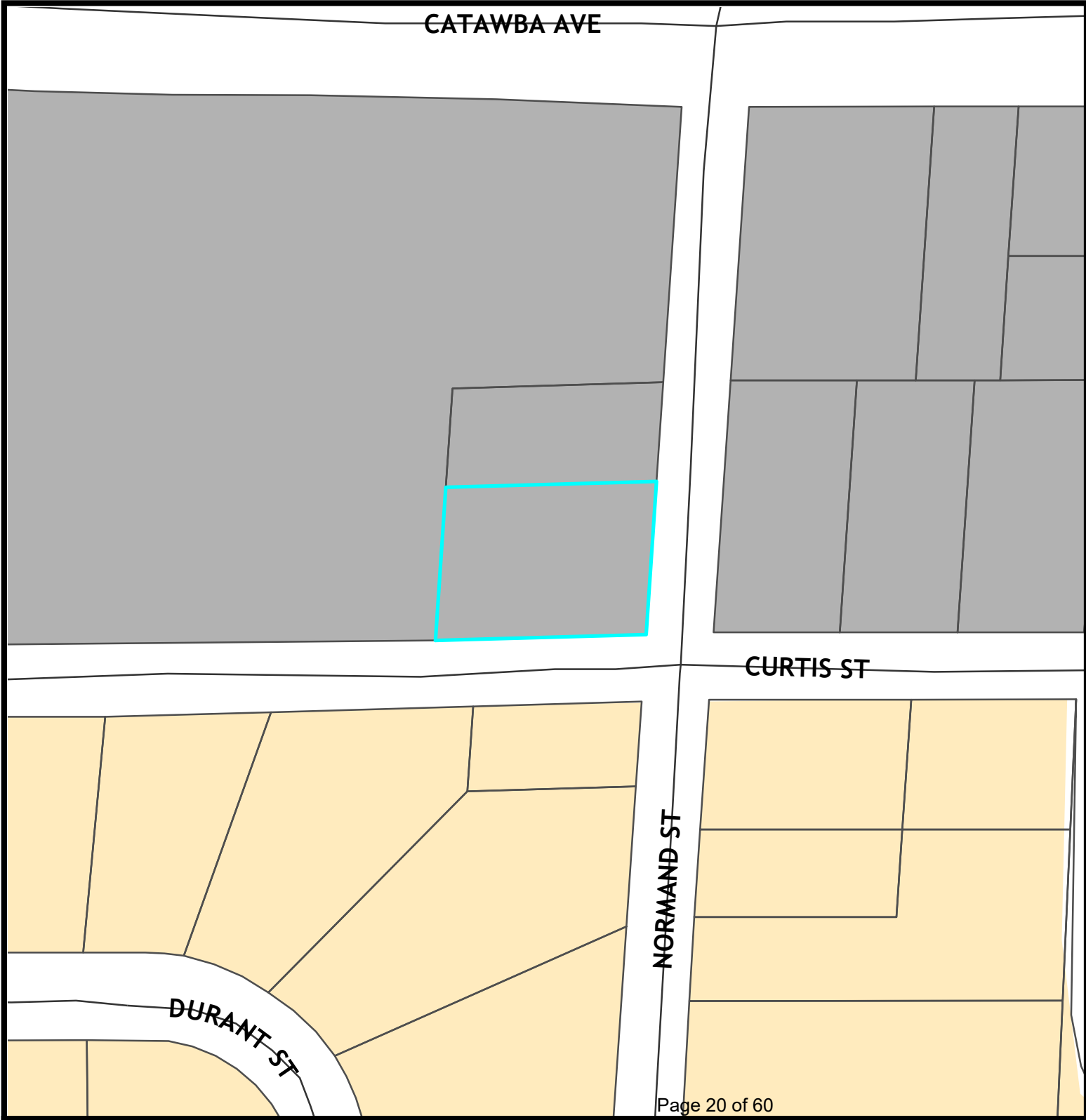
Legend

-  Centerlines
-  Parcels
-  Subject Property

Owner:
Piedmont SFR, LLC
Acres: 0.26



0 1530 60 90 120
Feet



Zoning Map

Case #: PLMA-2023-00118

Legend

Centerlines

Parcels

Zoning Districts

GI

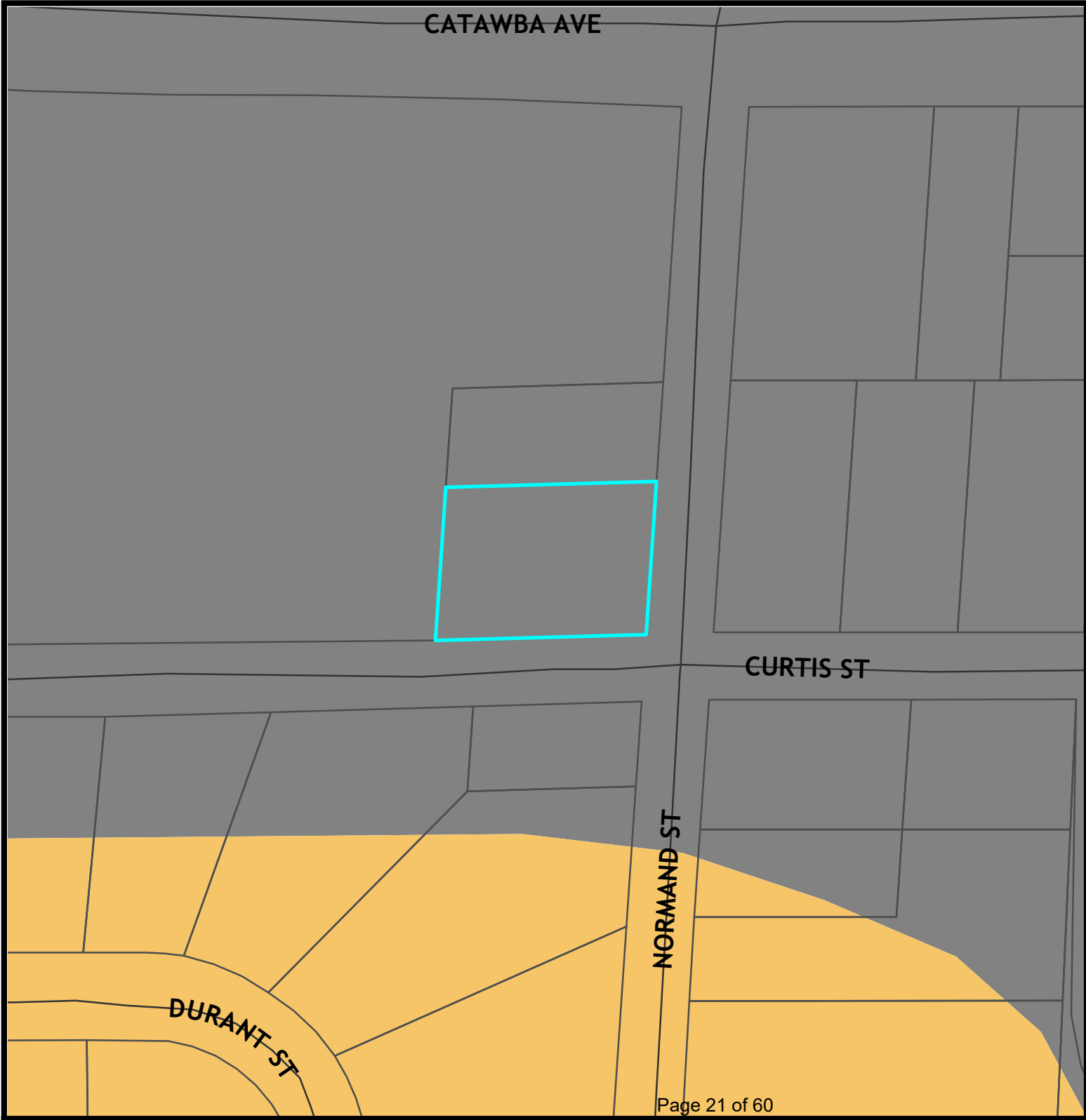
RMD

Subject Property

Owner:
Piedmont SFR, LLC
Acres: 0.26



0 1530 60 90 120
Feet



Future Land Use Map
Case #: PLMA-2023-00118

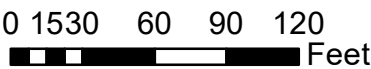
Legend

- Centerlines
- Parcels

Future Land Use Character Area

- Industrial
- Traditional Development
- Subject Property

Owner:
Piedmont SFR, LLC
Acres: 0.26



Land Use and Transportation Plan Description

The Land Development Plan indicates this area is Manufacturing, Logistics and Aerospace. The Manufacturing, Logistics, and Aerospace designation includes the city's existing base of industrial centers. These areas support manufacturing and production at a variety of scales, including assembly and processing, warehousing and distribution, bulk storage, and utilities. Manufacturing, Logistics, and Aerospace areas are found near major transportation assets (e.g., highway, rail, and/or air) and generally are buffered from surrounding development. Clusters of uses that support or serve similar industrial uses typically locate nearby.

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE**

R-2023-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the property located at 316 Normand Street further described below is inconsistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Manufacturing, Logistics and Aerospace where industrial is a priority use. The proposed rezone to Residential Medium Density would allow residential uses which would not be consistent with the Plan. However, the proposed rezone is a reasonable use and in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment recommendation for approval, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of a Resolution Approving Land Use and Development Plan Compliance of the zoning map amendment for property with Union County Tax Parcel Number: 09-192-046.

Adopted this 5th day of April, 2023.

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE
R-2020-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the property located at 316 Normand Street further described below property is inconsistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Manufacturing, Logistics and Aerospace where industrial is a priority use. The proposed rezoning to Residential Medium Density is a single family zoning classification. Single family residential is not a priority use in the Manufacturing, Logistics and Aerospace character area. The use is not reasonable or in the public interest because the existing development to the north is industrial and there could be a negative impact to a single family home near industrial uses.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance for property with Union County Tax Parcel Number(s): 09-192-046

Adopted this 5th day of April, 2023.

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Amend §157.1.2.1 **OFFICIAL ZONING MAP** as follows:

Rezone the property located at 316 Normand Street further identified with parcel ID # 09-192-046 from General Industrial(GI) District to Residential Medium Density (RMD).

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 9th day of May, 2023

Attest:

Marion L. Holloway, Jr., Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board Members

DATE: April 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Zoning Map and Text Amendment request for property located at 212 N. Main Street (Tax Parcel: 09-232-052)

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map and text amendment request from Michelle Vereckey on behalf of Land's End Properties, Inc. for the property located at 212 N. Main Street from Downtown Central Mixed-Use District (DC-MX) to Conditional-Commercial (C-C).

REVIEW

The applicant is requesting a zoning map and text amendment from Downtown Central Mixed-Use District (DC-MX) to Conditional-Commercial (C-C) in order to allow a cat rescue and retain all DC-MX uses. The property currently has an existing 1,481 square foot building and on street parking.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Retail/ Restaurant	DC-MX
East	Restaurant	DC-MX
South	Personal Services	DC-MX
West	Office	DC-MX

REQUIREMENTS

Density & Dimensional Standards

The applicant is proposing no changes to the existing density or building setbacks.

Parking

The property has access to all public parking downtown, including on street parking along North Main Street.

Landscaping

The applicant is not proposing any additional landscaping.

DOWNTOWN MASTER PLAN CONSISTENCY

The property is located in the Mixed Use A classification area of the Downtown Master Plan. Mixed-Use A is the area that, for the most part, flanks both sides of Main and Hayne streets. Utilizing existing buildings, this area would accommodate a variety of uses in rehabilitated space. As a place to concentrate retail and restaurant uses, this area is envisioned to be the shopping and entertainment hub of downtown. The proposed use is consistent with the Downtown Master Plan and Staff is of the opinion that the proposed use is reasonable and in the public interest.

PUBLIC NOTIFICATION

A rezoning notification sign will be posted 10 days prior to the public hearing.

An official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing.

RECOMMENDATION

Staff recommends approval of the rezoning.

Planning Board will need to take action on the following items:

- *Motion to recommend adoption of the Resolution Approving Downtown Master Plan Compliance **OR***
- *Motion to recommend adoption of a Resolution Denying Downtown Master Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution.*

If the Resolution of Downtown Master Plan Compliance is recommended for approval, the Planning Board will also need to make the following motion:

- *Motion to recommend adoption of the Ordinance amending section 157.1.3.1- Official Zoning Map.*

If the Resolution of Downtown Master Plan Compliance is recommended for denial, the Planning Board will also need to make the following motion:

- *Motion to recommend denial of the zoning map amendment.*

Attachments:

1. Ortho Map
2. Zoning Map
3. Site Plan
4. Downtown Master Plan
Description
5. FLUM Map
6. Approval Resolution
7. Denial Resolution
8. O-2022-XX Section 157.1.2.1

Prepared: 3/29/23 MB

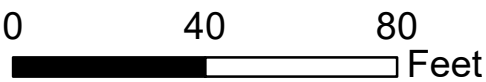


Ortho Map
Case #: PLMA- 2023-00120

Legend

-  Centerlines
-  Parcels
-  Subject Property

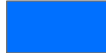
Owner:
Land's End Properties, Inc.
Acres: 0.034



Zoning Map

Case #: PLMA- 2023-00120

Legend

-  Centerlines
-  Parcels
- Zoning Districts**
 -  DC-MX
 -  DG-MX
 -  Subject Property

Owner:
Land's End Properties, Inc.
Acres: 0.034

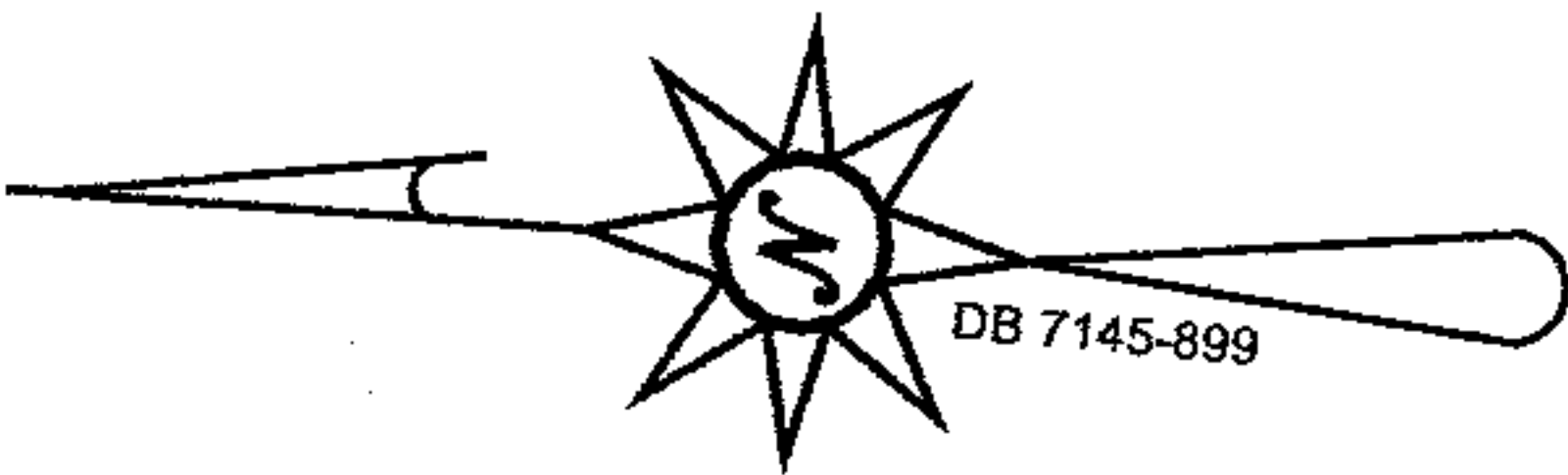
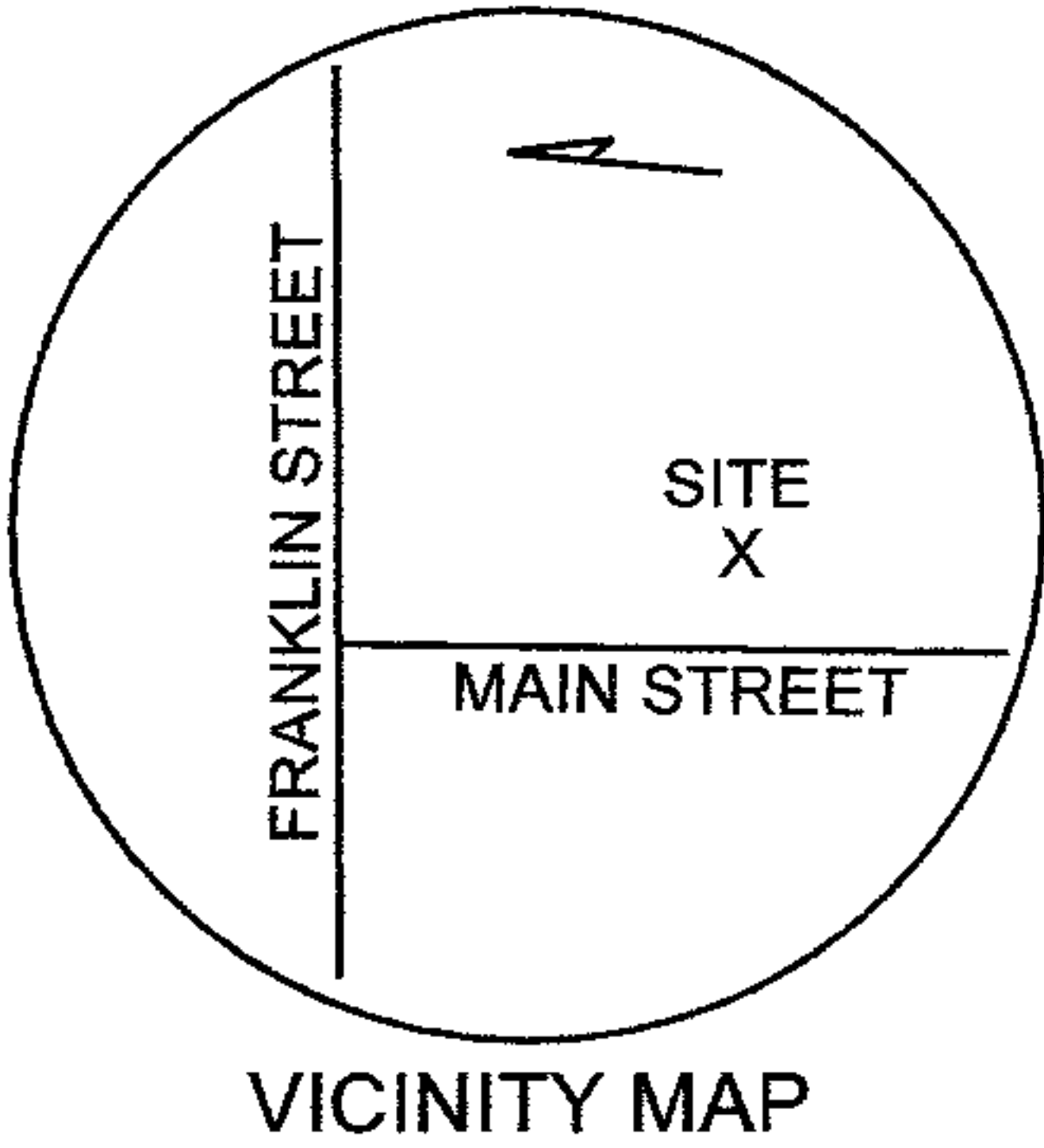
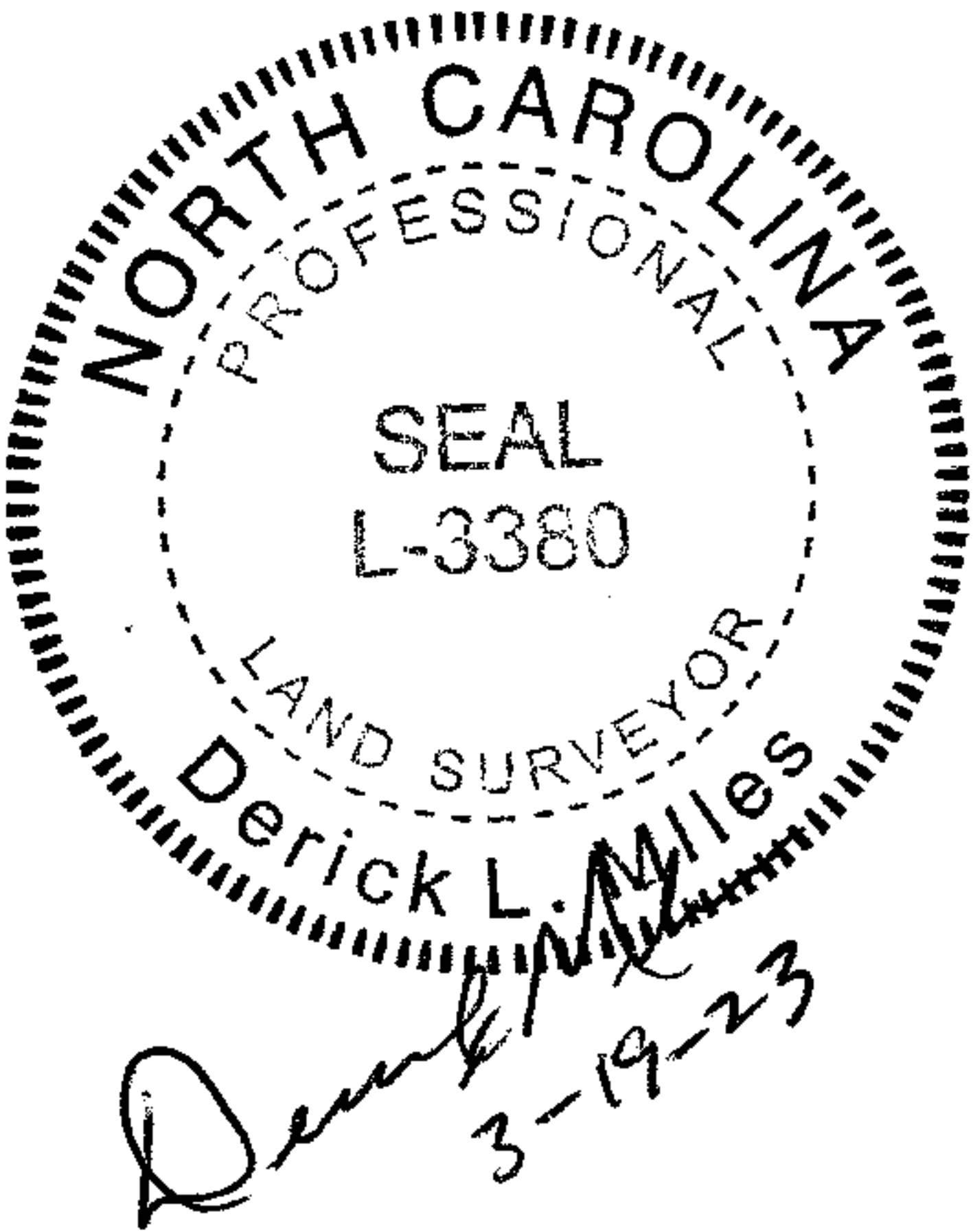


0 40 80
Feet

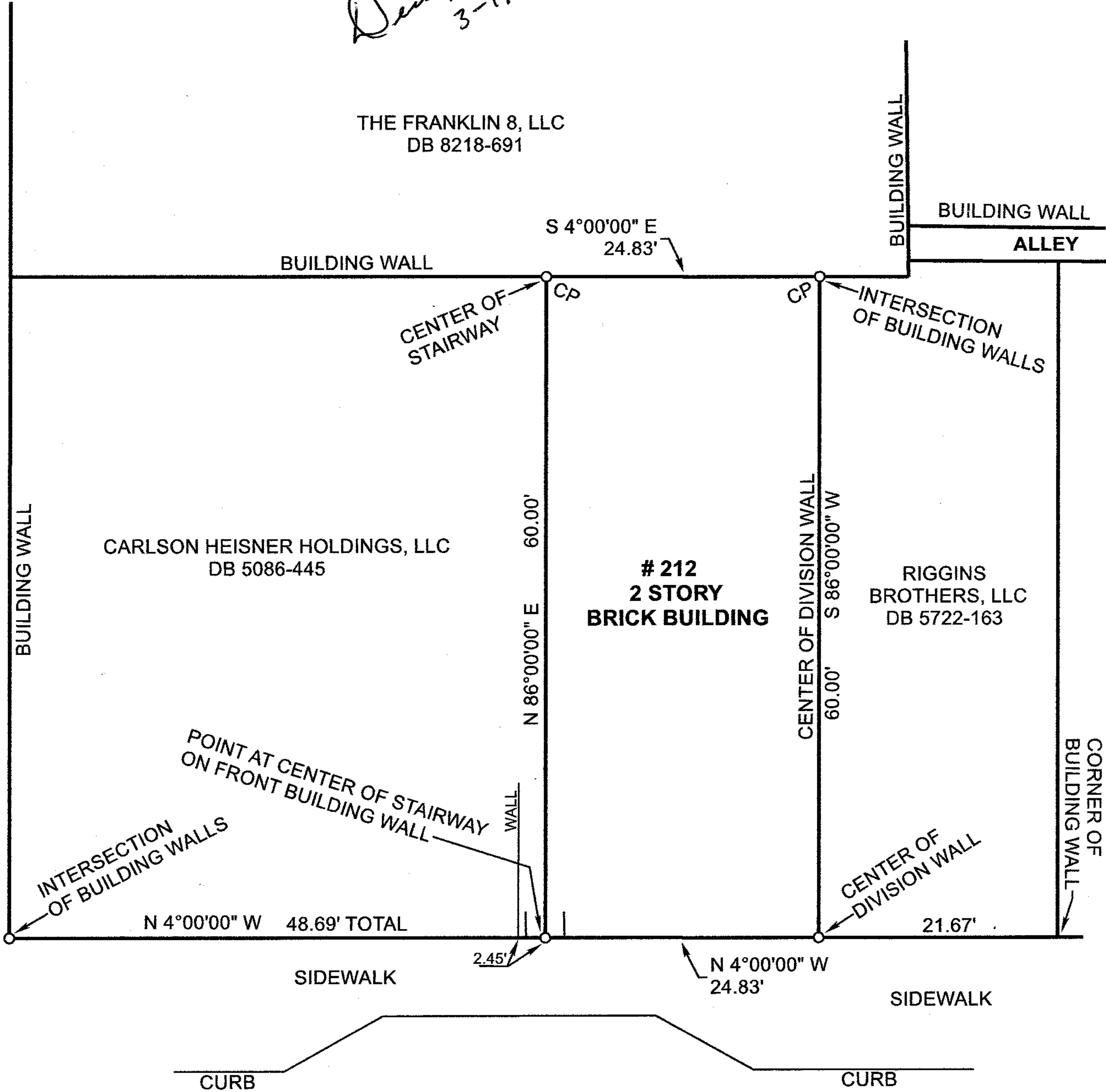
FINAL PLAN
FOR
CHARLIE'S ANGELS CONDITIONAL DISTRICT
OWNER: LAND'S END PROPERTIES, INC.
212 NORTH MAIN STREET
MONROE, N.C. 28112
704-282-1837
DEED REFERENCE : 7145-899
TAX PARCEL : 09-232-052
CITY OF MONROE, UNION COUNTY, N.C.
SCALE : 1" = 15'
SURVEY DATE : JANUARY 21, 2023

SURVEYED BY: DERICK L. MILES NCPLS
4901 PINE OAK DRIVE
MONROE, N.C. 28112
TELE: 704-764-7763

* MAP REVISED 03-10-23 TO
ADD CITY OF MONROE COMMENTS.
* MAP REVISED 03-19-23 TO
ADD CITY OF MONROE COMMENTS.



FRANKLIN STREET



MAIN STREET

NOTES

1. AREA BY COORDINATE GEOMETRY.
2. AREA EQUALS 0.03 ACRES
3. ONLY USES PERMITTED WITHIN THE DCMX (DOWNTOWN CENTRAL MIXED-USE) ZONING DISTRICT AS WELL AS A CAT RESCUE SHALL BE PERMITTED AS A PART OF CONDITIONAL DISTRICT "CHARLIE'S ANGELS".
4. ALL SIGNAGE SHALL ADHERE TO THE DCMX (DOWNTOWN CENTRAL MIXED-USE) ZONING DISTRICT REQUIREMENTS.
5. ALL ELEVATIONS, PACKETS, OF OTHER SUPPLEMENTAL MATERIAL SUBMITTED TO STAFF, PLANNING BOARD, AND/OR CITY COUNCIL IN REFERENCE AND SUPPORT OF THIS CONDITIONAL DISTRICT SHALL BE REGARDED AS AN INTEGRAL ELEMENT OF THE APPROVED SITE PLAN.

LEGEND

AC.	ACRE
CP	COMPUTED POINT
DB	DEED BOOK

Downtown Master Plan Description

The Downtown Master Plan indicates this area as Mixed-Use A. Mixed-Use A is the area that, for the most part, flanks both sides of Main and Hayne streets. Utilizing existing buildings, this area would accommodate a variety of uses in rehabilitated space. As a place to concentrate retail and restaurant uses, this area is envisioned to be the shopping and entertainment hub of downtown.



FUTURE LAND USE MAP (Figure 14) Downtown Master Plan Monroe, North Carolina

0 100 200 400
 Feet



This map is a conceptual illustration and does not represent any specific land use or development. It is intended to provide a general overview of the future land use plan for the downtown area of Monroe, North Carolina. The map is not to be used for any other purpose without the express written consent of the City of Monroe.

This map is a conceptual illustration and does not represent any specific land use or development. It is intended to provide a general overview of the future land use plan for the downtown area of Monroe, North Carolina. The map is not to be used for any other purpose without the express written consent of the City of Monroe.

**RESOLUTION APPROVING DOWNTOWN MASTER PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment from Downtown Central Mixed-Use District (DC-MX) to Conditional- Commercial (CC) for the property further described below is consistent with the adopted Downtown Master Plan. The Downtown Master Plan identifies this area as Mixed-Use A; retail and restaurant uses, including a cat rescue and café, would support this area designation. The proposed rezoning is a reasonable use and in the public interest because it will establish a use allowed by the Downtown Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Downtown Master Plan Compliance for property with Union County Tax Parcel Number(s): 09-232-052

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

RESOLUTION DENYING DOWNTOWN MASTER PLAN COMPLIANCE
R-2022-xx

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment from Downtown Central Mixed-Use District (DC-MX) to Conditional- Commercial (CC) for the property further described below is consistent with the adopted Downtown Master Plan. The Downtown Master Plan identifies this area as Mixed-Use A; retail and restaurant uses, including a cat rescue and café, would support this area designation. However, the proposed rezoning is not a reasonable use and in the public interest because:

Based on this information, the conditions have changed which justify amending the Downtown Master Plan. As a result of this zoning map amendment denial, the Downtown Master Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Downtown Master Plan Compliance for property with Union County Tax Parcel Number(s): 09-232-052

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Amend §157.1.2.1 **OFFICIAL ZONING MAP** as follows:

Rezone the property located at 212 N. Main Street further identified with parcel ID # 09-232-052 from Downtown Central Mixed-Use District (DC-MX) to Conditional-Commercial (CC) (Charlie's Angels).

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 9th day of May, 2023

Attest:

Marion L. Holloway, Jr., Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: April 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text Amendment Request to the Unified Development Ordinance (UDO)

SUMMARY STATEMENT

Planning Board is requested to consider various zoning text amendments to Code of Ordinances- Title XV: Land Usage, Chapter 157, Section 4.5: *Planned Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed-Use District*, Section 6.3: *Historic Districts*, Section 7.4: *Home Occupation*, and Section 8.7: *Design Standards – Applicability*.

REVIEW

Planning Board is requested to consider the following text amendments:

Section 1: This section is requesting to remove the density stipulation from the Planned Districts section. Planned Districts are a legislative process already requiring City Council approval. Any projects going through this process are already required to seek approval from City Council, by removing the density stipulation, additional flexibility is afforded to the City and developers.

Section 2-4: These sections are requesting the removal of maximum setbacks in the mixed-use districts for the side and rear property lines. Staff has had a few conversations with proposed developments in the mixed-use districts and it has been discovered that having minimum and maximum setbacks on all property lines will likely require large buildings to encompass full parcels, leaving little to no room for required parking, landscape buffers, and open space. If the text amendment is not approved, it will likely result in processing multiple variance requests.

Section 5: This section is a request to add clarification language to the Historic Districts section on compliance with a Certificate of Appropriateness. This language exists in a similar form in Chapter 152 of the City Code; however, Chapter 152 is mainly addressing locally designated properties. Section 6.3 in Chapter 157 is specifically addressing all properties within the designated Historic Districts. Adding this language will allow clearer understanding on the requirements to comply with a Certificate of Appropriateness.

Section 6: This section is a request to move language pertaining to Home Occupations. The code currently states one commercial vehicle and one attached trailer is permitted for a home occupation. Having language that allows a commercial vehicle for a home occupation is confusing as vehicles considered “commercial” are not typically permitted in residential areas.

Section 7: This section is a request to further clarify when non-residential structures must comply with the design standards. Currently the code does not require structures less than 2,500 square feet to comply with the design standards. Staff is requesting any non-residential structures to comply with the design standards to prevent all metal or vinyl commercial structures.

RECOMMENDATION

Planning staff recommends approval of the presented text amendments pending legal review.

Planning Board will need to take action on the following items:

1. Motion to adopt Resolution approving Land Use and Transportation Plan compliance

OR

Motion to recommend adoption of a Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution

If the Resolution of Land Use and Transportation Plan Compliance is approved, Planning Board will also need to make the following motions:

1. Motion to recommend adoption of the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.5: *Planned Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed-Use District*, Section 6.3: *Historic Districts*, Section, Section 7.4: *Home Occupation*, and Section 8.7: *Design Standards – Applicability*.

If the Resolution of Land Use and Transportation Plan Compliance is denied, Planning Board will also need to make the following motion:

1. Motion to recommend denial of the zoning text amendment

Attachments:

1. Approval Resolution: R-2023-xx
2. O-2023-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.5: *Planned Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed-Use District*, Section 6.3: *Historic Districts*, Section 7.1: *Table of Permissible Uses*, Section, Section 7.4: *Home Occupation*, and Section 8.7: *Design Standards – Applicability* is consistent with the Land Use and Transportation Plan because the text amendments add flexibility and clarification to advance the land use vision outlined in Forward Monroe. The proposed zoning text amendment is a reasonable use and in the public interest because it serves to codify and update zoning standards and regulations that serves to implement the relevant goals and recommendations identified in the Land Use and Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Sections 4.5: *Planned Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed-Use District*, Section 6.3: *Historic Districts*, Section 7.1: *Table of Permissible Uses*, Section, Section 7.4: *Home Occupation*, and Section 8.7: *Design Standards – Applicability*

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.5: *Planned Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed-Use District*, Section 6.3: *Historic Districts*, Section 7.1: *Table of Permissible Uses*, Section, Section 7.4: *Home Occupation*, and Section 8.7: *Design Standards – Applicability* is consistent with the Land Use and Transportation Plan because the text amendments add flexibility and clarification to advance the land use vision outlined in Forward Monroe. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance to amend Sections 4.5: *Planned Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, Section 5.7: *Regional Corridor Mixed-Use District*, Section 6.3: *Historic Districts*, Section 7.1: *Table of Permissible Uses*, Section, Section 7.4: *Home Occupation*, and Section 8.7: *Design Standards – Applicability*

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-xx**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend §157.4.5.E “PLANNED DISTRICTS” as follows:

Remove subsection E.

~~**E.—Density.** Residential density shall not exceed six (6) units per acre.~~

Section 2. Amend §157.5.5 “COMMUNITY CORRIDOR MIXED-USE 1 DISTRICT (CC-MX1)” as follows:

Amend Setbacks in Table 5.5 CC-MX1 District Development Standards

CC-MX1 District Development Standards		
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/ 25'
	Rear ³	10'/ 50'

Section 3. Amend §157.5.6 “COMMUNITY CORRIDOR MIXED-USE 2 DISTRICT (CC-MX2)” as follows:

Amend Setbacks in Table 5.6 CC-MX2 District Development Standards

CC-MX2 District Development Standards		
Building Placement (min/max)	Front/Street ¹	15'/30'
	Side ²	5'/ 25'
	Rear ³	10'/ 50'

Section 4. Amend §157.5.7 “REGIONAL CORRIDOR MIXED-USE DISTRICT (RC-MX)” as follows:

Amend Setbacks in Table 5.7 RC-MX1 District Development Standards

RC-MX District Development Standards		
Building Placement (min/max)	Front/Street	15'/50'
	Side ¹	5'/ 25'
	Rear ²	10'/ 100'

Section 5. Amend Section §157.6.3 “HISTORIC DISTRICTS” as follows:

Add subsection “H. Compliance”

H. Compliance.

1. Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Planning Director or their designee.
2. Failure to comply with the Certificate of Appropriateness shall be a violation of the applicable zoning ordinance and is punishable according to established

procedures and penalties for such violations. A Certificate of Appropriateness shall expire twelve (12) months after the date of issuance if the work authorized by the Certificate has not been commenced. If after commencement the work is discontinued for a period of six (6) months, the Certificate therefor shall immediately expire. No work authorized by any Certificate which has expired shall thereafter be performed until a new Certificate has been secured.

Section 6. **Amend Section §157.7.4.C “HOME OCCUPATION” as follows:**

§157.7.4.C HOME OCCUPATION

C. Standards. Home Occupations are authorized if they comply with the following standards:

1. The home occupation shall be clearly incidental and subordinate to a dwelling’s use for residential purposes by its occupants.
2. A home occupation shall not be established prior to residential occupancy of the site by the operator of the home occupation.
3. Home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit.
4. The person operating the home occupation shall reside in the dwelling unit.
5. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
6. Home occupations shall be limited to professional or business offices or studios.
7. No more than two (2) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than five (5) in any one day.
8. All home occupations shall be conducted within the principal structure. Activities and storage associated with a home occupation shall not take place in an accessory building, such as a detached garage.
9. The home occupation shall not change the exterior appearance of the dwelling.
10. No storage or warehousing of material, supplies, or equipment is allowed outdoors on the residence.
11. Home occupations shall feature no exterior display or signage, no exterior storage of vehicles, equipment, including unlicensed equipment or materials, and not open lot storage.
12. Home occupations shall be engaged in only by the resident on the premises.

13. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or odors.
14. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than a required front yard.
- ~~15. A maximum of one (1) commercial vehicle with up to one (1) attached trailer for a home occupation may be parked or stored at the residence.~~

Section 7. Amend Section §157.8.7.1 B “DESIGN STANDARDS – APPLICABILITY” as follows:

B. Applicability. This Section is applicable to:

1. New non-residential buildings ~~exceeding two-thousand five-hundred (2,500) square feet;~~
2. New multifamily dwelling developments;
3. New single family developments and duplexes that provide voluntary consent; and
4. New industrial developments.

Section 8. This Ordinance shall be effective upon adoption.

Adopted this ____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: April 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text Amendment Request to the Unified Development Ordinance (UDO)

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.1: *Table of Permissible Uses*.

REVIEW

Planning staff has prepared the following text amendment based on comments and concerns heard from various Planning Board and City Council members.

Planning Board is requested to consider a text amendment to remove multi-family as an allowed use in the GB – General Business zoning district. Multi-family is defined as a “building containing more than four dwelling units”. Examples of multi-family include: apartments, condominiums, and retirement centers.

RECOMMENDATION

The Land Use and Transportation Plan is broken into ten (10) character areas. The character areas broadly describe the shape and form of future development intended for each area. The Community Corridor primarily encompasses Highway 74. The plan specifically calls for diverse housing choices as well as multi-family in the Community Corridor area, which is predominately zoned General Business. For this reason, the proposed text amendment to remove multi-family from the General Business zoning district is not consistent with the Future Land Use Plan.

Planning staff has prepared the text amendment for further discussion based on comments and concerns heard from various Planning Board and City Council members. Staff does not have a recommendation on this proposed text amendment and it is still pending legal review.

Planning Board will need to take action on the following items:

1. Motion to adopt Resolution approving Land Use and Transportation Plan compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution

OR

Motion to recommend adoption of a Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution

If the Resolution of Land Use and Transportation Plan Compliance is approved, Planning Board will also need to make the following motions:

1. Motion to recommend adoption of the Ordinance amending §157.7.1 Table of Permissible Uses of the Unified Development Ordinance (UDO).

If the Resolution of Land Use and Transportation Plan Compliance is denied, Planning Board will also need to make the following motion:

1. Motion to recommend denial of the zoning text amendment

Attachments:

1. Approval Resolution: R-2023-xx
2. O-2023-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.1: *Table of Permissible Uses* is not consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan specifically calls for diverse housing options and includes multi-family as a priority use in the Community Corridor Character Area. The Community Corridor is predominately zoned GB - General Business; therefore, the amendment to remove multi-family as an allowed use in the General Business zoning district is not consistent with the Land Use and Transportation Plan. However, the proposed zoning text amendment is a reasonable use and in the public interest because: _____

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning text amendment recommendation for approval, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 7.1: *Table of Permissible Uses*

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 7.1: *Table of Permissible Uses* is not consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan specifically calls for diverse housing options and includes multi-family as a priority use in the Community Corridor Character Area. The Community Corridor is predominately zoned GB - General Business. The proposed zoning text amendment is a reasonable use and in the public interest because: _____

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance to amend Section 7.1: *Table of Permissible Uses*.

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-xx

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

This space intentionally left blank

Section 1. Amend Section §157.7.1 “Table of Permissible Uses” as follows:

Remove Multi-Family as a permitted use in the GB- General Business district

TABLE 7.1. - TABLE OF PERMISSIBLE USES																		
“P” = Permitted, “S” = Special Use Permit Required, “X” = Prohibited																		
	Traditional Districts												Mixed-Use Districts					
Use Type	RR	RLD	RMD	RHD	OM	NB	GB	GI	HI	PUD	PCD	DC-MX	DG-MX	CC-MX1	CC-MX2	RC-MX	MD-MX	REFERENCE
Residential Uses																		
Single Family Detached	P	P	P	X	P	X	X	X	X	P	X	X	X	X	X	X	X	7.2.4.A
Townhouse/Attached Single Family	X	X	P	P	S	X	X	X	X	P	X	X	P	X	P	X	S	7.2.4.B
Duplex/Triplex/Quadplex	X	X	S	P	S	X	X	X	X	P	X	X	P	X	X	X	X	7.2.4.C
Multifamily	X	X	X	P	X	X	P X	X	X	P	P	P	P	P	P	P	S	7.2.4.D

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: April 5, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Zoning Text Amendment Request to the Unified Development Ordinance (UDO)

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.1.B: *Mixed-Use Zoning Districts*, Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definitions*.

REVIEW

Planning staff has prepared the following text amendment based on comments and concerns heard from various Planning Board and City Council members.

Planning Board is requested to consider a text amendment to modify how residential density is calculated from gross acreage to net acreage. Planning staff is proposing to remove existing and proposed street rights-of-ways, stream buffers, and utility easements from the area used to calculate the maximum site density.

RECOMMENDATION

Planning staff recommends approval of the presented text amendments pending legal review.

Planning Board will need to take action on the following items:

1. Motion to adopt Resolution approving Land Use and Transportation Plan compliance
OR
Motion to recommend adoption of a Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution

If the Resolution of Land Use and Transportation Plan Compliance is approved, Planning Board will also need to make the following motions:

1. Motion to recommend adoption of the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.1.B: *Mixed-Use Zoning Districts*, Section 8.10.1.B: *Density and Intensity*, and Section 11 *Definitions*.

If the Resolution of Land Use and Transportation Plan Compliance is denied, Planning Board will also need to make the following motion:

1. Motion to recommend denial of the zoning text amendment

Attachments:

1. Approval Resolution: R-2023-xx
2. Denial Resolution : R-2023-xx
3. O-2023-xx

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.1.B: *Mixed-Use Zoning Districts*, Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definitions* is consistent with the Land Use and Transportation Plan because the text amendment helps to manage the growth and infrastructure to advance the land use vision outlined in Forward Monroe. The proposed zoning text amendment is a reasonable use and in the public interest because by utilizing the net density, the number of approved lots going forward will be reduced which will reduce the demand on infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Code of Ordinances-Title XV: Land Usage, Chapter 157 Section 5.1.B: *Mixed-Use Zoning Districts*, Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definitions*.

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-XX**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.1.B: *Mixed-Use Zoning Districts*, Section 8.10.1.B: *Density and Intensity*, and Section: 11 *Definitions* is consistent with the Land Use and Transportation Plan because the text amendment helps to manage the growth and infrastructure to advance the land use vision outlined in Forward Monroe. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance to amend Code of Ordinances-Title XV: Land Usage, Chapter 157 Section 5.1.B: *Mixed-Use Zoning Districts*, Section 8.10.1.B: *Density and Intensity*, and Section 11: *Definitions*.

Adopted this 5th day of April, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-xx**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend §157.5.1.B “MIXED-USE ZONING DISTRICTS, PURPOSE AND INTENT” as follows:

- B. Density.** Character areas, as designated on the FLUM, are defined by a variety of residential densities (density) and intensities. Density is measured by dwelling units per ~~net gross~~ acre. All residential densities denoted in the adopted Forward Monroe plan are not guaranteed by right. The appropriate allocation of density shall encourage a sustainable development. Subdivision, zoning, and site plan review criteria shall ensure that density assigned to new development is consistent with established residential development patterns and provides equitable use of the land.

Section 2. Amend §157.8.10.1.B “DENSITY AND INTENSITY, STANDARDS OF MEASUREMENT” as follows:

- B. Calculation of Density.** Residential density shall be measured by dwelling units per ~~net gross~~ acre (du/ac). ~~For example, if a development of one-hundred (100) acres is entitled to ten (10) dwelling units per acre, the maximum permitted density within the development is one-thousand (1000) dwelling units.~~

1. All residential densities denoted in the adopted Forward Monroe plan are not guaranteed by right. The appropriate allocation of density shall encourage sustainable development.
2. Subdivision, zoning, and site plan review criteria and procedures shall assure that density is consistent with established residential development patterns and provides equitable use of the land.
3. ~~For legal lots of record existing as of the effective date of this UDO, densities less than the minimum density requirements defined in Forward Monroe are permitted.~~

Residential Density is calculated as net gross density, ~~where the gross acreage includes all lands within the parcel boundaries. Existing and proposed street rights-of-way, stream buffers, and utility easements shall not be used to calculate maximum site density.~~

Section 3. Amend Section §157.11 “DEFINITIONS” as follows:

DENSITY. The maximum number of residential dwelling units permitted per net gross acre of land. In determining density, a fractional unit shall not entitle an additional unit. Existing and proposed street rights-of-way, stream buffers, and utility easements shall not be used to calculate maximum site density.

Section 4. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

