



1101 MAIN STREET  
ANDREWS NC 28901  
PHONE 828-321-3113 FAX 828-321-4159

MAYOR NANCY J. CURTIS

ALDERMAN RAY FRAZIER  
ALDERMAN JERRY PULLIUM

ALDERMAN GARY JAMES  
ALDERMAN PHIL HORTON

## MEMORANDUM

March 7, 2017

To: Mayor & Board of Aldermen

From: Jack Faulkner, Acting Chairman – Andrews Planning Board  
F. Richard Flowe, AICP, Planning, Zoning & Subdivision Administrator

Re: *Andrews Development Ordinance with New Official Zoning Map*

## BACKGROUND

As part of the “Town Plan 2035”, the rewrite of the current Town Zoning Ordinance is one of the implementation tools necessary to enable goals of the Town to come to fruition concerning its future growth. The Town of Andrews’s Zoning Ordinance will be replaced with a complete rewrite, to be known as the *Andrews Development Ordinance*, including new zoning, subdivision, watershed, and floodplain rules. The new ordinance would also provide a more comprehensive ordinance and streamlined review processes for development projects. The accompanying new Official Zoning Map was devised to guide growth to the Town’s Downtown Core and other strategic locations and attract new investment to improve the returns on existing infrastructure investment.

On April 11, 2017, the Andrews Board of Aldermen will hear public comments during a public hearing. Following the public hearing the Mayor and Board of

Aldermen may consider adoption of the Andrews Development Ordinance recommended by the Planning Board on March 7, 2017.

## POLICY IMPLICATIONS

The North Carolina General Statutes (N.C.G.S. 160A-383) call for local governments adopting zoning to first adopt a plan, “Zoning regulations shall be made in accordance with a comprehensive plan.” Therefore, the policies of the *Andrews Development Ordinance* created the framework developed by Town Plan 2035. The next step after the adoption of the “Town Plan 2035 - Land Use & Comprehensive Master Plan”, is the Town’s consideration of a new development ordinance that completely replaces the current set of land use and development ordinances. The *Andrews Development Ordinance* will supersede the Town of Andrews Zoning Ordinance dating back to 1965, and substantially amended in 1985. The final version of *Andrews Development Ordinance* including a new Official Zoning Map is slated to be on your April 11, 2017 agenda for a Public Hearing and action item for a decision. If approved by the Board of Aldermen, the new Ordinance and Zoning Map will become effective immediately thereafter. The Planning Board is forwarding a recommended statement of consistency and reasonableness, as required by NC statute, approved on March 7, 2017, following their extensive efforts and hard work.

## SUMMARY OF “ANDREWS DEVELOPMENT ORDINANCE” ARTICLES

### **Article 1: Purpose & Authority**

This article establishes the fundamentals of the ordinance including enactment, repeal of the old ordinances, valuable purpose statements and principles that link the ordinance to the adopted plan. The relationships are established between the ordinance and the plan, jurisdiction is established for now and the future. Citations of authority to governing statutes and other legalities such as the relationships with inconsistent policies (other regulations, deed restrictions, agreements, etc.), severability, rules of construction, compliance, the establishment of the official zoning map, interpretation of district boundaries and how the policies suspension during a state of emergency is handled. A large copy of the new official zoning map is included in this tab.

### **Article 2: General Provisions**

This article establishes the often overlooked but equally important provisions that apply to all properties. These rules are the fundamentals ranging from a basic statement of reference to all development standards articles, street frontage requirements, basic lot principles (size and width), corners, heights, structure limitations, sight triangles, building separation, accessory use and fixtures (including fences, walls, and swimming

pools), driveways, lots on thoroughfares, residential garages and parking, and sidewalks. This article also establishes a process for improving conditions within some of the mobile home parks in Andrews.

### **Article 3: Definitions, Abbreviations & Symbols**

This article contains the definition of words and terms with special meanings used in the ordinance. A listing of abbreviations and symbols is also provided for clarity.

### **Article 4: Boards & Commissions**

This article assigns duties to the Planning Board and a separate Board of Adjustment. This article also establishes a new Technical Review Committee and its duties to implement the ordinance.

### **Article 5: Amendments to Development Ordinance & Zoning Map**

This article describes the amendment process and the steps for a zoning map (rezoning) or text amendment.

### **Article 6: Variances & Administrative Appeals**

This article speaks of the “variance” process and addresses “appeals of administrative decisions” including the application requirements and actions that can be taken by the Board of Adjustment.

### **Article 7: Permits & Procedures**

This article lists the permits and/or approvals required for land development activities in the Town. The type of permit, process, and expiration are described for the following: zoning permits (zoning compliance), special events/temporary structures, site development plan review (large and small), conditional use approvals, uses with additional standards, sign permits, subdivision plat approvals (major and minor subdivisions), preliminary plat/site plan, final plat, floodplain development and certification permit, watershed permit, and zoning vested rights. Also, required notices and public hearings are listed for these permits.

### **Article 8: Zoning Districts (including Table of Uses)**

A total of eleven (11) new primary zoning districts are established in the Ordinance. The general use zoning districts in order from least intense to most intense: Agriculture (AG), Single Family Residential (SFR-1, SFR-2, and SFR-3), Residential/Main Street Transitional (R/MST), Main Street (MS), Civic (CIV), Mixed Use (MU), US 74 Commercial (C 74), Vehicle Service and Repair (VSR), and Industrial (IND). There are an additional five (5) new overlay districts also established to provide for more creativity and protect environmental features, they are: Traditional Neighborhood Development Overlay (TNDO), Mini Farm Overlay (MFO), Scenic Corridor Overlay (SCO), Heavy Industry Overlay (HIO), and Manufactured Home Park Overlay (MHP).

This chapter contains a description of each of the zoning districts along with development standards for each district. The development standards include listed uses by right, uses listed with additional standards, and uses listed with conditions (all found in Table of Uses at the end of Article 8), building and lot types (described in Article 9), accessory uses, residential density (if applicable), general requirements such as minimum lot size, width, setbacks, open space, and parking and landscaping references.

There are also some images to illustrate the design relationship among buildings, parking, streets, and buffers.

The Table of Uses (Table 8.1) is divided into three sections: Section 1-General, Section 2-Manufacturing & Industry, and Section 3-Wholesale Trade. The Table of Uses lists the various uses by row and the columns for the zoning district. If listed in that district, the uses will be marked with either a L (listed use), C (conditional use), and S (use listed with additional standards) with the reference to the subsection detailing the standards and, if applicable, conditions for that use in Article 10.

### **Article 9: Building & Lot Type Standards**

This article establishes standards for the buildings and lots in each of the districts established in Article 8 described above. For each lot and building type, there is a description, requirements for building placement/parking/vehicle access, standards and specifications for encroachment/pedestrian access/commercial use standards, heights, and architectural standards. Photographs are used for examples (illustration purposes only) along with graphics to show the building type, height, parking, and buffer requirements in relation to the sidewalk and street.

The lot and building type listed in Article 9 include: detached house, attached house, multi-family, civic, shop-front commercial, urban workplace, and highway. The highway architectural standards are required to follow the building standards and anti-monotony standards. These standards encourage variation and interest in the building facades including massing and rhythm, height, scale and roofline, fenestration (structural openings to buildings, such as doors and windows), access, articulation (prevent long, blank walls), and building materials.

### **Article 10: Uses with Additional Standards & Conditional Uses**

This article lists the additional standards for certain uses due to their potential impacts. An example of a use with additional development standards required is an *accessory dwelling unit*. Also, listed are uses that require a Conditional Use Permit in accordance with Article 7. Examples of a use requiring conditional use approval include *electronic gaming operations* and *adult establishments*.

### **Article 11: Landscape Requirements & Tree Protection**

This article lists requirements for landscaping associated with new development. Buffer standards and tree conservation are also listed. Graphics are used to display planting requirements.

### **Article 12: Off-street Parking, Stacking, & Loading Areas**

This article contains the off-street parking standards and specifications. Requirements for off-street parking including paving and maintenance, access, overflow parking, placement of parking lots, pedestrian access, marking, dimensions, and lighting are described in this article. The alternatives and exceptions of off-street parking requirements are also listed. Loading area location, size, and minimum number of spaces are described.

### **Article 13: Streets**

Street design standards for non-state maintained streets are listed in this article. Streets will interconnect, serve pedestrians, be lined with street trees, and have street lights.

### **Article 14: Flexible Development Standards**

The purpose of this article is to provide the Planning, Zoning & Subdivision Administrator with the limited authority to allow minor deviations from the minimum development standards for certain requirements set forth in the Ordinance, provided certain conditions exist.

### **Article 15: Special Events & Temporary Structures**

This article provides specific standards for special events and temporary structures for duration, frequency, district(s), and any additional standards.

### **Article 16: Subdivisions**

Subdivision regulations are established in this article for the subdivision of land. Specific subdivision standards, exemptions, construction plans required, development improvements, and the dedication and acceptance of public streets and open areas.

### **Article 17: Sign Regulations**

This article applies to all signs erected in the Town of Andrews. These standards are written in accordance with current interpretations of the Reed v. Town of Gilbert United States Supreme Court decision in 2015 as to “content neutrality”. *Prohibited signs* and *exempt signs* are clearly listed. The types of signage are explained including the general requirements. Requirements for permanent signs requiring a permit are listed accompanied by a chart listing the sign type, sign copy area allowance (sq. ft.), illumination, size, number, setback from property line(s), and other requirements.

A chart is also provided for “temporary signs” including sign type and standards. In some cases, a “master sign plan” may enable greater options to meet specific needs. Other sign issues including nonconforming signs, abandoned signs, and maintenance. Finally, suggested design guidelines (with photographs) are provided to promote more attractive and functional design and placement of signs.

### **Article 18: Flood Damage Prevention**

This article is in accordance with North Carolina Emergency Management requirements for participating communities in the National Flood Insurance Program. In most instances Flood Damage Prevention is the same as the State’s model ordinance. This article lists the requirements for a floodplain development application, permit and certification requirement, provisions for flood hazard reduction, standards for floodplains and floodways, corrective procedures, variance procedures, and appeals.

### **Article 19: Watershed Protection Ordinance**

This article is not included but available when state regulations requiring a local ordinance become applicable to Andrews.

### **Article 20: Soil Erosion & Sedimentation Control**

This article establishes standards required by the State of North Carolina for the protection of water quality during periods of construction. These standards are in compliance with NC mandates as the State is the reviewer and enforcer of soil erosion and sedimentation control plans. Inclusion of these standards by the Town will allow the Town to issue citations when warranted to halt problematic run-off that is harmful to adjoining properties and streams.

### **Article 21: Open Space**

This article establishes open space requirements for all types of new development. The various types of open space are described with illustrations. This provision also establishes a “fee in lieu of” policy for smaller projects so the Town may set aside funding for a community amenity area, park or open land. This fund could be used to acquire easements for the greenway and trail system.

### **Article 22: Non-Conformities**

This article establishes criteria for “grandfather clauses”.

### **Article 23: Administration & Enforcement**

This article establishes policy for the Planning, Zoning & Subdivision Administrator, violations, enforcement, procedures, remedies, civil penalties, and procedures for removal dangerous signs.

## **Standards and Specifications Manual**

Tab 24 will contain the technical details and specifications for street cross-sections, street drainage & tree placement, parking diagrams, curbing & sidewalk diagrams, driveways, tree protection (during construction), and utility location standards as determined by the technical staff in cooperation with agencies including Cherokee County and NCDOT.

## **Town Plan 2035 - Land Use & Comprehensive Master Plan**

Tab 25 includes a copy of the plan approved on February 14, 2017. This plan is important to determining consistency of development with the plan. The plan also serves as the guide when the Town may find planned improvements are required as part of a proposed land development project.

## **Town Plan 2035 - Enlarged Map Set**

Tab 26 will contain all of the maps from the plan in an enlarged format for easy review.

## **Fee and Rate Schedule**

Tab 27 will contain a copy of the Town's Fee and Rate Schedule for easy reference.

## **Policy for Managing Utility Allocations & Extensions**

Tab 30 will contain a copy of the Town's Policy for Managing Utility Allocations & Extensions and should be used in conjunction with the Town Plan when making decisions about the extension of water and/or sewer infrastructure by either the Town or developers.

## **PARTIAL LISTING OF THE MAJOR DIFFERENCES IN THE NEW ORDINANCE AND THE CURRENT ORDINANCES**

The new ordinance is a "unified development ordinance" and contains policy changes that will accomplish the following:

- Simplify the districts to better reflect the values identified within the "Town Plan 2035 Land Use and Comprehensive Master Plan."
- Add provisions to be business-friendly and aesthetically enhancing in the Main Street downtown core area:
- Strategically locate and provide resilient levels of commercial and industrial zoned land.
- Reestablish residential districts to reflect:
  - Areas close to the town center permit higher density,
  - Standards for popular residential areas maintain a moderate density, and
  - Agricultural areas preserve rural density.
- Concentrate commercial curb-cuts to preserve the level of service of our highway corridor.

- Assist with eligibility for state and federal grant funding by:
  - Reducing congestion resulting from excessive drive-thru lanes, and
  - Requiring electric vehicle charging stations to off-set the negative effects of drive-thru lanes.
- Design the commercial districts to reflect the corridors they are located within.
- Reduce the density in agricultural areas to discourage sprawling subdivisions without sewer.
- Provide for sidewalks within neighborhoods that are scaled for the level of service of the street and improve safety for pedestrians.
- Establish business friendly sign standards and provide guidance for businesses to assist with design.
- Establishes a Scenic Corridor Overlay District to protect that major entrance roads and gateways from rural areas into the Town.
- Clarify uses for all districts.
- Establishes the Technical Review Committee.