



**REGULAR CITY COUNCIL MEETING
MONDAY MAY 13TH, 2024 @ 6:00 PM
CHERRYVILLE COMMUNITY BUILDING
W. J. ALLRAN JR. COUNCIL CHAMBERS
106 S. JACOB ST. CHERRYVILLE, N.C. 28021**

The Honorable Mayor H.L. Beam called the regular scheduled meeting to order at the community building in the William J. Allran Jr., Council Chambers. Councilmembers Jill Puett, Jon Abernethy, Gary Freeman, and Janice Hovis were present. City Manager Brian Dalton, City Clerk Paige H. Green, City Attorney Yansea Taylor, Public Works Director Chris J. King, Planning and Zoning Director Richard Elam, Finance Director Dixie Wall, Downtown Director David Day, Wastewater Superintendent Larry Wright, and Police Chief Brandon Hunsucker were also present. The Lincoln Times and Wise News Network were present for media coverage.

INVOCATION: PASTOR MATT THOMAS, SECOND BAPTIST CHURCH:

Pastor Matt Thomas gave the invocation.

PLEDGE OF ALLEGIANCE:

Everyone stood and recited the Pledge of Allegiance.

AGENDA APPROVAL:

Councilmember Hovis made a motion to approve the agenda as written. Councilmember Abernethy seconded the motion and the vote was unanimous.

APPROVAL OF MINUTES:

Councilmember Puett made a motion to approve the minutes of both meetings listed below:

- A. CITY COUNCIL REGULAR MEETING APRIL 8, 2024
- B. CITY COUNCIL SPECIAL WORK SESSION/BUDGET SESSION MEETING APRIL 30, 2024:

Councilmember Freeman seconded the motion and the vote was unanimous.

MAYOR'S COMMENTS:

Our city has endured its second devastating storm in less than a year without any lives lost. It appears as though Elm Street and Old Post Road received the brunt of the storm with the worst damage. I want to thank all of our city employees for their dedicated and relentless work on restoring our power and getting our city back to as normal as possible. We would also like to thank Forest City and Union, South Carolina for their untiring help as well. I have found out through these trying times that our city is very resilient and always comes together in times like this.

The city's annual Cherry Blossom festival was a huge success. There were estimates as high as 8,000 that were in attendance for this event. It was certainly one of the biggest and best festivals our city has had in many years. I was honored to present the trophies to the winners at the Truck Museum's annual car show on Saturday of the festival. Over 80 vehicles were registered for this event.

Opening Day for the city's Little League Program was well attended. I was privileged to speak at this event. Over 160 youth will participate in this program. Hilda Bates and I awarded each ball player a complimentary hot dog for their attendance at this event. Thanks go out to the Little League board and all the coaches, umpires, volunteers and players.

City Manager Dalton recently met with Jodi Warren and his company that comprises several long-range investors. Mr. Warren informed our city manager that his company has purchased the left side of the old Dora Mill on North Mountain Street. This company is preparing to clean this area and plans are for repairs to the roof as part of the first steps to rehab this area.

The engineer's stamped plans for the splash pad have been submitted to the county and hopes are that there will be a speedy approval so construction can continue on this project.

This past Tuesday the council held its regular work session meeting followed by a budget work session. There was a great deal of discussion from council members concerning next year's budget. City Manager Dalton and Finance Director Dixie Wall were very supportive in addressing the questions from council members. The city's yearly budget will be voted on by council at the June council meeting.

The city has just finished repairs to Carroll Street and has completed new pavement on North Styers Street. Repairs and paving of other streets and areas are being considered for future projects.

This past week I was able to witness heavy equipment clearing the area just off of Academy Street where the city's new gym and playground area will be constructed. As I looked up the street toward the city community building, I could see equipment at this location preparing for new pavement throughout this area from Jacob Street to Oak Street.

The Engineers for Cleveland County Water announced that construction on the new water interconnect with our city will begin by June 3, 2024 and should be completed no later than October 2024.

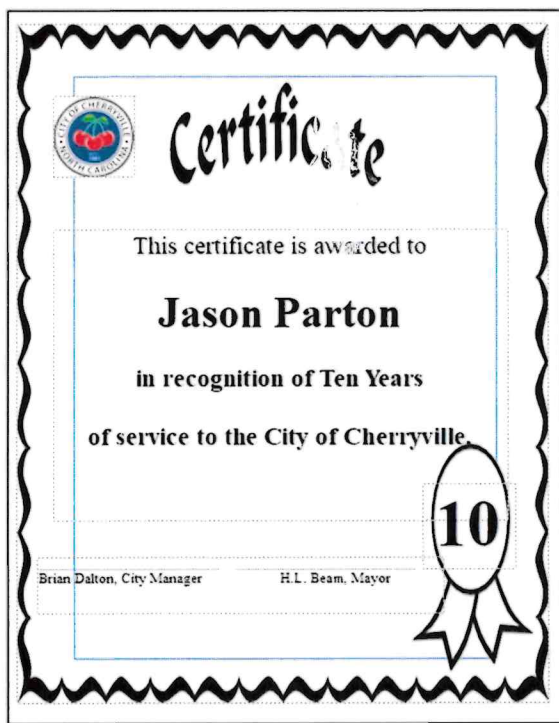
City Manager Dalton and I spoke to Senator Ted Alexander this past week to ask for funds to help with some special projects. Two projects discussed were remodeling of the Community Building and possibly some help with paving of roads. Senator Alexander informed us that monies are scarce this budget year but he is working hard to acquire any funds that may be available. We will continue to stay in contact with Senator Alexander as well as Representative Kelly Hastings for support of our local projects.

Electricities is preparing to erect a sign on the Gardner Webb property on West Academy Street to help market this property. Cherryville has not received any help from our local county's Economic Development Department in aiding with this future development. This property would be a great opportunity for business or industry to locate in our area.

Earlier today, I read a proclamation at Carolina Health and Rehabilitation proclaiming this week as National Nursing Home Week. I will read a similar proclamation at Peak Resources on Thursday for their annual BBQ and celebration of National Nursing Home Week.

SPECIAL RECOGNITION OF CITY EMPLOYEE'S YEARS OF SERVICE, MAYOR H.L. BEAM:

Mayor Beam recognized patrol officer Jason Parton for ten years of service to Cherryville.



CITIZENS TO BE HEARD CITIZENS THAT WISH TO SPEAK MAY DO SO BY COMING TO THE PODIUM AND STATING YOUR NAME AND ADDRESS BEFORE YOU SPEAK. COMMENTS WILL BE HELD TO 3 MINUTES PER PERSON. (PLEASE SIGN UP WITH THE CITY CLERK AT THE MEETING BEFORE THE MEETING BEGINS. IF YOU WISH TO SPEAK ON A MATTER WHERE A PUBLIC

HEARING IS BEING HELD, YOU WILL HAVE A CHANCE TO DO SO DURING THE PUBLIC HEARING AND DO NOT NEED TO SIGN UP):

There were no citizens to be heard.

PROCLAMATION IN RECOGNITION OF NATIONAL POPPY DAY, MAYOR H.L. BEAM:

Mayor Beam read and presented the following proclamation to the American Legion Ladies Auxiliary:



The Office of the Mayor

May 13, 2024

*Expressing support for the designation of the May 24, 2024,
As "National Poppy Day" in honor of our fallen.*

American Legion Unit 100 submitted the following proclamation; which was referred to the office of Mayor H.L. Beam for review.

PROCLAMATION

Expressing support for the designation of May 24, 2024 as "National Poppy Day" in Cherryville and recognizing the importance of honoring those that have worn our nation's uniform; and

WHEREAS, poppies are worn and displayed as a symbolic tribute to our fallen and the future of living veterans and service members; and

WHEREAS, at the end of World War I, The American Legion adopted the poppy as a symbol of freedom and the blood sacrificed by troops in wartimes; and

WHEREAS, the use of the poppy symbolically comes from the poem In Flanders Fields, which movingly begins, "In Flanders Fields the poppies blow, between the crosses, row on row," referring to the poppies that sprang up in the churned earth of battlefields across Belgium and France where soldiers died fighting; and

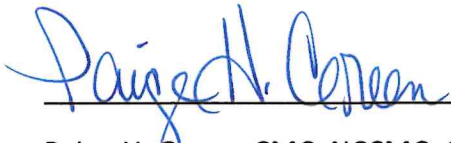
WHEREAS, the American Legion Family has long utilized the red poppy as its official flower, symbolizing the blood shed by those who have served in our U.S. Military, and The American Legion and American Legion Auxiliary, expand the meaning and symbolism of the poppy, mirroring the manner in which the poppy is symbolically showcased in England and Canada in celebratory fashion on their Remembrance Day, also known as Armistice Day and Poppy Day; and

WHEREAS, wearing a poppy will unite citizens from across the country who decide to show their patriotism; and


WHEREAS, May 24, 2024, would be an appropriate date to designate as “National Poppy Day”

NOW, THEREFORE, BE IT RESOLVED, that the Office of the Mayor

- (1) Supports the designation of May 24, 2024 as “National Poppy Day; and
- (2) Encourages all citizens, residents, and visitors in Cherryville to join in observing this day to honor every service member who has died in the name of liberty, freedom and democracy while also showing their support for living veterans, service members and their families.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

CONSIDERATION OF PLANNING BOARD/BOARD OF ADJUSTMENT APPOINTMENTS, PLANNING & ZONING DIRECTOR RICHARD ELAM:

Mr. Elam asked for consideration for the following members to be re-appointed to the planning board/board of adjustments for another three-year term:

WADE STROUPE
MATTHEW MAUNEY (ETJ MEMBER)
MARK MAUNEY (ETJ MEMBER)

Councilmember Abernethy made a motion to re-appoint Wade Stroupe, Matthew Mauney, and Mark Mauney to the planning board/board of adjustment for another three-year term. Councilmember Hovis seconded the motion and the vote was unanimous.

The term for these members will expire June 30, 2027.

PUBLIC HEARING RE: AMENDMENTS TO ZONING ORDINANCE, PLANNING & ZONING DIRECTOR RICHARD ELAM:

Councilmember Puett made a motion to go into public hearing. Councilmember Freeman seconded the motion and the vote was unanimous.

Mr. Elam went over each amendment and answered questions as he explained them to everyone.

a. RECOMMENDATION TO CITY COUNCIL REGARDING AN AMENDMENT TO THE CITY OF CHERRYVILLE ZONING ORDINANCE TO ADD A NEW PERMITTED USE (BOUTIQUE) TO SECTION 7.7.1 PERMITTED USES

Mr. Elam explained that pages 15-16 of the agenda was a listing of all the amendments. Below is a copy of the recommended changes to the ordinances:

1. RECOMMENDATION TO CITY COUNCIL REGARDING AN AMENDMENT TO THE CITY OF CHERRYVILLE ZONING ORDINANCE TO ADD A NEW PERMITTED USE (BOUTIQUE) TO SECTION 7.7.1 PERMITTED USES

Add use **Boutique** as a permitted use in RO (Residential Office) Zone

Also add definition of **Boutique** to the City of Cherryville Zoning Ordinance which would read:

Boutique: A small store selling fashionable clothes, accessories (shoes, handbags, jewelry, cosmetics, etc.) The additions are in red type and highlighted in yellow.

Unanimously approved by The Planning Board as written/presented

2. RECOMMENDATION TO CITY COUNCIL REGARDING AMENDMENTS TO THE CITY OF CHERRYVILLE ZONING ORDINANCE AS IT RELATES TO AMENDING SECTIONS OF 6.5 CLUSTER DEVELOPMENT

Various parts were proposed to be amended to Section 6.5. Please look at what was proposed to be amended on the attached word file. The text that is highlighted in yellow is the text that was proposed to be added. The text that has a line through it is what was proposed to be removed.

I proposed for various parts of this section that relates to Cluster Developments to be Amended. The Planning Board voted unanimously to not recommend my request for amendments to this section. Instead, there was a long discussion and the Board unanimously voted to recommend to City Council to remove all of Section 6.5 – Cluster Developments from the City of Cherryville Zoning Ordinance. The vote was 6 to 1 to remove all of Section 6.5 relating to Cluster Developments.

3. RECOMMENDATION TO CITY COUNCIL REGARDING AMENDMENTS TO THE CITY OF CHERRYVILLE ZONING ORDINANCE AS IT RELATES TO AMENDING SECTION 5.4.1(a) IN RESIDENTIAL DISTRICTS AS RELATES TO FENCES

Various parts amended. See attached word file as that shows how the Zoning Ordinance currently reads and as to what was proposed to the Planning Board as amendments to Section 5.4.1(a). The new wording is in red type.

Unanimously approved by The Planning Board as written

4. RECOMMENDATION TO CITY COUNCIL REGARDING AMENDMENTS TO THE CITY OF CHERRYVILLE ZONING ORDINANCE AS IT RELATES TO ADDING SECTION 11 (PLANNED DEVELOPMENTS) BACK INTO THE CITY OF CHERRYVILLE ZONING ORDINANCE

Propose adding the entire SECTION 11 back into the City of Cherryville Ordinance that was deleted by City Council on July 8th, 2002. See attached word file to read that entire Section 11.

Unanimously approved by The Planning Board

5. RECOMMENDATION TO CITY COUNCIL REGARDING AMENDMENTS TO THE CITY OF CHERRYVILLE ZONING ORDINANCE AS IT RELATES TO AMENDING SECTION 5.10 NON-RESIDENTIAL BUILDING DESIGN STANDARDS

Various parts amended. See attached word file for amendments to Section 5.10. Text to be added will be highlighted in yellow.

Unanimously approved by The Planning Board as written/presented

6. RECOMMENDATION TO CITY COUNCIL REGARDING AMENDMENTS TO THE CITY OF CHERRYVILLE SUBDIVISION ORDINANCE AS IT RELATES TO AMENDING SECTION 4 FINAL PLAT

Proposed that Section 4 of the Cherryville Subdivision Ordinance amended. See attached word file for proposed amendments to Section 4. Text to be deleted will have a line through it. Text to be added will be highlighted in yellow.

Unanimously approved by The Planning Board as written/presented

b. SECTION 7.7 R-O RESIDENTIAL OFFICE DISTRICT

Mr. Elam shared that Mr. Zachary Price asked that section 7.7 of the ordinance be amended to add boutique. Below is a copy of the proposed amendment for consideration:

Section 7.7 R-O Residential-Office District

7.7.1 Permitted Uses:

1. Single-family dwellings (provided that any residential subdivision in excess of twenty (20) lots shall be subject to the issuance of a special use permit. This computation shall be based on the aggregate number of lots in all phases of the subdivision.)
2. Office buildings containing five thousand (5,000) square feet or less of gross floor area
3. Churches including customary accessory uses. Church owned and maintained cemeteries as an accessory use are permitted
4. Medical clinic
5. Public and private elementary and secondary schools
6. Family care homes for up to six (6) clients

7. Customary home occupations in accordance with Section 5.1 of this Ordinance
8. Essential Services, Class 1
9. Day care centers, small group
10. Barber shop/beauty shop
11. Amateur radio towers twenty (20) feet or less in height, provided, however, that the tower is in association with a principal residential use only.

12. Boutique

Also add definition of **Boutique** to the City of Cherryville Zoning Ordinance which would read:

Boutique: A small store selling fashionable clothes, accessories (shoes, handbags, jewelry, cosmetics, etc.)

c. SECTION 6.5 CLUSTER DEVELOPMENT

Section 6.5 Cluster Development.

There are circumstances where a better community can be achieved by concentrating development on portions of the site most suitable for development; leaving undeveloped land which can be left in its natural state or developed into open space amenities to serve the community. Such development patterns typically require less street and utilities per unit than conventional development; thus, saving both initial costs and long-term maintenance costs. To facilitate such a more sustainable development pattern, cluster development is allowed as a conditional use in accordance with the following requirements.

Section 6.5.1 Basic Requirements: Cluster development shall meet all of the following criteria:

- a. Minimum Acreage: The minimum area of a cluster development shall be 10 acres.
- b. Conditional Use: Cluster development requires a Special Use Permit. As part of the conditional use approval, a schematic master plan shall be provided which shall show the intended layout, density, and the arrangement of roads, lots, and open space. Minimum proposed open space improvements shall be indicated on the master plan.
- c. Dimensional requirements: All cluster developments shall meet

the City of Cherryville Subdivision Regulations, but are exempt from the subdivision ordinance and the zoning ordinance requirements relating to layout, minimum lot size, property line setbacks and street frontage. Minimum lot requirements are:

MINIMUM SINGLE-FAMILY LOT REQUIRMENTS

Zoning	Area	Width	Front Setback	Side Yard	Rear Yard	Open Space
R-40	20,000	70'	25'	8'	30'	50%
R-15	10,000	70'	25'	6'	25'	33%
R-12	8,000	60'	25'	5' 6'	25'	33%
R-9	6,000	50'	20'	5'	25'	33%

MINIMUM TWO FAMILY LOT REQUIRMENTS

Zoning	Area	Width	Front Setback	Side Yard	Rear Yard	Open Space
R-12	12,000	70'	25'	6'	25'	33%
R-9	9,000	60'	25'	6'	25'	33%

d. Additional requirements:

1) Public sewer and water are required.

2) Minimum rear yards along exterior boundaries of development shall be increased by 10'.

3) The **Lot Width** shall be the distance between side lot lines measured at the minimum required front yard setback.

4) An additional ten (10) feet shall be provided on all side yards which abut a public street.

5) The **Lot Width** of cul-de-sac lots at the required front yard setback may be reduced by the authority of the Zoning Administrator as long as there is no reduction in the square footage of the lot.

6) Street trees shall be required on each side of the street at a minimum average spacing of 50' on center.

7) Minimum 4' wide sidewalks shall be required. Cul-de-sacs require sidewalk on one side only.

e. Every lot approved for a development shall be for the purpose of building a single or a two-family dwelling upon each of the approved parcels. Parcels shall not be combined from side or rear parcels to make for a larger parcel.

6.5.2 Dedication and Maintenance of Common Open Spaces

- a. Covenant Restrictions: The common open space land shall be jointly owned in common by the owners of the dwelling units/lots in the development. Covenants for mandatory memberships in an association, setting forth the owner's rights and interests, shall be included in the deed for each lot.
- b. Use of Common Open Space: The common open space shall be permanently restricted to recreation, conservation or agricultural purposes. Structures accessory to non-commercial recreational, conservation or agricultural uses may be erected on the common open space. Utilities serving the development and measures intended to enhance water quality may be on common open space.
- c. Restrictions on Common Open Spaces: Common open spaces shall be shown on the final record plat with notation that indicates that:
 - 1) Common open space shall not be used for additional residential units.
 - 2) A part or all of the common open spaces may be dedicated for acceptance by the city for operation as a municipal recreation facility.
- d. Developer Responsibility for Common Open Space Maintenance: The developer or sub-divider shall maintain control of such open space(s) and shall be responsible for their maintenance until at least 50% but not more than 85% of the lots/units are sold. At that time, the Home Owners association will be responsible for maintaining all undeveloped lots and open spaces.
- e. Phased Dedication of Common Open Space: The minimum percent of common open space recorded on each record plat shall be such that the total percent of open space dedicated at any one time is

approximately equal to the percent of total lots recorded.

d. **SECTION 5.4 FENCES OR WALLS PERMITTED**

AS CURRENTLY READS:

Section 5.4 Fences or Walls Permitted

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

5.4.1 In Residential (R) Districts:

- a. ~~When fences or walls are installed in a required setback area (required side, or rear yard), the maximum height shall be six (6) feet, except when such fence or wall is installed pursuant to Section 5.2 of this Ordinance it shall not exceed eight (8) feet in height.~~

BE AMENDED TO READ:

Section 5.4 Fences or Walls Permitted

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

5.4.1 In Residential (R) Districts:

- a. Fences or walls may be installed in a side or rear yard setback area. No fence or wall shall be installed in a front set back area (meaning no fence or wall shall extend beyond the front corner of a dwelling). The maximum height shall be six (6) feet, except when such fence or wall is installed pursuant to Section 5.2 of this Ordinance it shall not exceed eight (8) feet in height.
- b. Walls and fences shall be constructed so that the exposed framing, stingers and posts to support each section face the interior yard of the lot on which the fence or wall is placed, regardless of whether or not another fence already exists.
- c. No fence shall be installed until a fence permit is obtained through the Cherryville Zoning Department and paying the required fee.
- d. No fence shall be installed in any Right-of-way

e. SECTION 11.1 PLANNED RESIDENTIAL DEVELOPMENT

Mr. Elam Shared that section 11 had been removed from the ordinances on July 8, 2002. Mr. Elam is asking that it be added back to the ordinances.

Section 11.1 Planned Residential Developments

All planned residential developments (PRD's) shall be developed in accordance with the standards of this Section.

11.1.1 Purpose and Intent

Planned residential developments (PRDs) may consist of either single-family dwellings, duplexes, or multi-family dwellings, or a mixture of said housing types. A variety of dwelling types and physical arrangements may be permitted such as single-family detached houses, lot-line houses, village houses, twin houses, duplexes, patio houses, atrium houses, townhouses, other cluster arrangements, or other multi-family arrangements provided no dwelling unit is located over another dwelling unit. These dwelling unit types are defined in Part 4 of this Ordinance.

The purpose for special regulations for planned residential developments is to promote variety, innovation, and flexibility in development by allowing certain variations in lot sizes, dwelling unit types and/or design requirements the intended purpose of which is to:

- a. Permit a creative approach to the development of residential land;
- b. Accomplish at least as equally desirable environment as would be achieved through the strict application of minimum requirements of the district regulations;
- c. Provide for an efficient use of land;
- d. Enhance the appearance of neighborhoods through preservation of natural features;
- e. Provide for recreational areas and open space; and
- f. Provide an opportunity for additional variety in approaches to living environment in the Cherryville jurisdiction and provide an environment of stable character compatible with surrounding residential areas.

In keeping with the stated purpose of this Section PRD's are only allowed on a Special Use basis.

11.1.2 Project Requirements

The following minimum requirements shall be applicable to planned residential developments.

- a. Minimum project site size. Two (2) acres
- b. Maximum density. Density shall be calculated on the basis of gross site area (project streets, public or private, are included in gross site area) and fractions shall be rounded to the nearest whole number.

Allowed densities for PRD's for each applicable zone are as follows:

<u>Zone</u>	<u>Basic Density Allowed (Units Per Acre)</u>
R-40	6
R-15	2.3
R-12	3
R-9	8
RMF	9
R-0	9

NOTE: Subsection 11.1.3 provides for a schedule of density bonuses over the above listed basic maximum densities where projects meet certain requirements set forth in said subsection.

c. **Dwelling Unit Types**

Allowed dwelling unit types for PRD's for each applicable zone are as follows:

	R-40	R-15	R-12	R-9	RMF	RO
Single-Family Detached Houses	Yes	Yes	Yes	Yes	Yes	Yes
Lot Line Houses	Yes	Yes	Yes	Yes	Yes	Yes
Village Houses	Yes	Yes	Yes	Yes	Yes	Yes
Patio Houses	Yes	Yes	Yes	Yes	Yes	Yes
Twin Houses	Yes	No	Yes	Yes	Yes	Yes
Duplexes	Yes	No	Yes	Yes	Yes	Yes
Town Houses	Yes	No	No	Yes	Yes	Yes
Atrium Houses	Yes	No	No	No	Yes	Yes
Multi-Family & Other Developments (No Units Over Units)	Yes	No	No	Yes	Yes	Yes

d. Public or community water and sewer must be provided to the site.

- e. Minimum front yard setback or setback from any dedicated street. Fifty (50) feet at project boundary.
- f. Minimum side yard setback at project boundary. Thirty (30) feet (except on corner lots where fifty (50) feet shall be provided.)
- g. Minimum rear yard setback at project boundary. Thirty (30) feet.
- h. Minimum lot width (as measured at required front yard setback). One hundred (100) feet. In no case shall the front lot width at the street right-of-way line be less than fifty (50) feet.
- i. Maximum building height. Thirty-five (35) feet.
- j. Minimum unobstructed open space. Fifty (50%) percent. (As used in this section the term "unobstructed open space" shall mean all land, exclusive of dedicated street rights-of-way, which is not covered by buildings or other structures. Off-street parking areas are counted as "unobstructed open spaces but are not counted as "improved common open space".)
- k. Where parking is provided by private drives for individual dwelling units, space shall be provided for parking at least two (2) cars at each dwelling unit.
Where common parking areas are used at least two parking spaces shall be provided for each one-or-two-bedroom dwelling units and at least three parking spaces shall be provided for each three-or-more-bedroom dwelling units. However, where dwellings are designed specifically for elderly and/or handicapped persons the minimum parking requirements shall be one and one-fourth (1.25) parking spaces per such dwelling unit.
- l. At least one ground entrance to every dwelling shall be located within one hundred (100) feet of the parking area within the development designated to serve that dwelling.
- m. Private streets within the development shall be so designed and constructed to carry vehicular traffic from public streets to parking or service areas within the development. All private streets shall meet the following requirements:
 - (1) Private streets must have a minimum right-of-way width of 30 feet, exclusive of parking bay areas, and have a minimum pavement width of 20 feet, measured from edge of pavement to

edge of pavement. Additional widths will be required where parallel parking is to be provided.

- (2) Angled parking areas directly adjoining private streets will be permitted on one side of the street only at any point along said street (i.e., double loaded parking is not permitted along private streets.) The combined length of parking areas along private streets may not exceed fifty percent (50%) of the length of the adjoining roadway. Such parking areas may be alternated from one side of the street to the other. All other angled parking areas must be clearly separated from the private street by at least a barrier island.
- (3) The edge of pavement of any private street shall be no closer than twenty (20) feet to any multi-family principal building. However, private streets may be within ten (10) feet of accessory buildings.

n. In projects where multi-family units (dwelling units where more than two units are attached) are proposed there shall be an area or areas of Improved Common Open Space. Said area or areas in combination shall be at least 10,000 square feet in area or 500 square feet in area per multi-family dwelling unit, whichever is greater. (As used in this section the term "Improved Common Open Space" shall mean land and/or water areas within the site designated for development, exclusive of lands occupied by streets, street rights-of-way, or off street parking, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development, and which has been improved with recreational areas and amenities such as, but not limited to playgrounds, ballfields, tennis courts, nature trails, gardens, swimming pools, clubhouses, etc.)

o. Screening shall be required at the following locations:

- (1) along major thoroughfares (as shown on the City of Cherryville Thoroughfare Plan), but the screen shall not hinder sight distance where project streets or entrances intersect with thoroughfares.
- (2) along a property line or a street bounding the project where said property line or street separates multi-family housing areas within the project and existing single-family residential areas outside the project.

- (3) along a property line or a street bounding the project where said property line or street separates the project from any areas zoned or used for non-residential purposes.

Such screening shall materially screen the project from the view of the adjoining property, and in the case of items (1) and (3) immediately above, the adjoining property from the view of the project. Such screening shall otherwise be in compliance with Section 5.2 of this Ordinance.

In cases where screening is required by this Ordinance and devices such as existing vegetation or topographical features or extreme size of the tract involved would render the installation of screening unnecessary, the City Council is hereby empowered to accept the existing features as meeting the general screening requirements. Such decision shall be based on the spirit and intent of this section. The vacancy or non-use of adjacent property shall not negate the necessity for installation of screening. If at any time after such existing features are accepted, such features are altered so as to render them inadequate as screening as described in this section to achieve the required screen, the developer shall be required to make the necessary improvements to achieve the required screen.

- p. The following additional requirements apply to multi-family projects:
 - (1) no principal residential building side shall be located closer than twenty (20) feet to the edge of pavement of any private street or off-street parking area within the development.
 - (2) Off-street parking areas and all internal streets shall provide safe and convenient access for firefighting and refuse collection vehicles and other service and delivery vehicles.
 - (3) The arrangement of buildings shall not create long alleyways between the rears of residential buildings on the site.
 - (4) The front entrance to any residential building shall not directly face the rear of any other residential building.
 - (5) No dwelling unit shall be located over another dwelling unit.
 - (6) No exterior wall of a building shall run unarticulated for a horizontal distance of more than forty (40) feet.
 - (7) No multi-family principal building shall be located closer than forty (40) feet to any other building within the development.
 - (8) All exterior walls of greater than two hundred (200) square feet shall have at least six (6) square feet of window area per two

hundred (200) square feet of total wall area, however, this requirement shall not apply to walls facing alleyways.

- q. Each phase of a multi-phased project shall be able to stand as an independent project. As used in this section, the term "phase" shall refer to that portion of the project for which the applicant requests a Special Use permit. At no point in the development of a multi-phase project shall the density of residential development in a completed phase of the project area exceed the maximum density established approved for the project.

11.1.3 Density Bonus

A density bonus of up to forty percent (40%) over the basic density normally allowed may be approved by the City Council when granting the Special Use Permit. Such density bonus must be based upon the amount of unobstructed open space greater than the minimum fifty percent (50%) and the amount of land area to be used for Improved Common Open Space.

Both the unobstructed open space test and the Improved Common Open Space test must be met in accordance with the schedule below in order for a project to be considered for the respective density bonus. All Improved Common Open Space not covered by building or structures shall also be deemed unobstructed open space. The bonuses listed on the schedule shall be maximum bonuses and the City Council, at its discretion may grant a smaller bonus.

Application for the density bonus must accompany the preliminary site plan when the plan is submitted for approval. Bodies of water shall constitute no more than twenty-five percent (25%) of the unobstructed open space or more than fifty percent (50%) of the Improved Common Open Space used for calculating the maximum allowable density bonus.

The density bonus schedule shall be as follows:

% of Site (Gross Land Area) To be Unobstructed	Minimum % of Site Improved	Maximum Allowable Density Bonus (% Increase
<u>Open Space</u>	<u>Open Space</u>	<u>in Units Per Acre)</u>
51% to 55%	12%	8%
56% to 60%	14%	16%
61% to 65%	16%	24%
66% to 70%	18%	32%
Over 70%	29%	40%

Section 11.2 Planned Unit Developments (Mixed Use)

All mixed use planned unit developments (PUD's) shall be developed in accordance with the standards of this Section, provided however, any residential components of such developments shall also conform to all the requirements of Subsection 12.1.2 of this Ordinance except 11.1.2-p (5).

11.2.1 Purpose

The purpose of this Section is to establish requirements and review procedures for mixed use projects that may include a full range of housing types and compatible commercial and institutional uses. In order to encourage high- quality design and innovative arrangements of buildings and open space uses throughout the project site, these regulations provide for substantial flexibility from conventional use and dimensional requirements of the zoning districts.

In keeping with the purpose of these regulations, planned unit developments, where allowed, are always a Special Use subject to the procedures set forth in Part 13 of this Ordinance.

11.2.2 Project Requirements

The following minimum requirements shall be applicable to mixed use planned unit developments.

- a. Minimum Project Size-five (5) acres
- b. Maximum Density/Intensity
 - (1) For residential portions of the project the maximum densities shall be those listed in Subsection 11.1.2 of this Ordinance. The density bonuses in accordance with 11.1.3 of this Ordinance shall likewise be applicable.
 - (2) Except as may be provided in the City's Water Supply Watershed Ordinance, for non-residential portions of the project the maximum floor area ratio (FAR) and maximum impervious surface ratio (ISR) shall be:

<u>Use Type</u>	<u>FAR</u>	<u>ISR</u>
Office Use	.35	.50
Commercial/ Retail	.35	.75
Industrial/ Wholesale/ Trucking/ Warehousing	.25	.50

- c. Uses allowed within the project: all uses listed as either Permitted or Special in the zoning district in which the project is proposed. Residential dwelling unit types are allowed in accordance with 11.1.2-C of this Ordinance.
- d. Unless otherwise specified in this Section, residential portions of planned unit developments shall meet all requirements of Section 11.1.2 of this Ordinance.
- e. Non-residential portions of planned unit developments shall meet the following requirements:
 - (1) Public water and sewer must be provided to the site.
 - (2) Minimum front yard setback or setback from any dedicated street - Fifty (50) feet at project boundary.
 - (3) Minimum side yard setback at project boundary - Thirty (30) feet (except on corner lots where fifty (50) feet shall be provided).
 - (4) Minimum rear yard setback at project boundary- Thirty (30) feet.
 - (5) Minimum lot width (as measured at required front yard setback)- One hundred (100) feet. In no case shall the front lot width at the street right-of-way line be less than fifty (50) feet.
 - (6) Maximum building height - Forty (40) feet.
 - (7) Off-street parking and loading areas shall conform to all minimum requirements for each use as set forth in Part 10 of this Ordinance. Off-street parking areas shall be separated from interior streets within the project. No parking space shall be located on, along or otherwise be directly accessed by an interior street. All off-street loading areas (for loading and unloading of goods) shall be located in the rear of buildings except that such areas may be located at building sides when screened from view at the front of such building.
 - (8) Private streets within the development shall be so designed and constructed to efficiently carry vehicular traffic from public streets to parking or service areas within the development. All private streets shall, at a minimum, meet the following requirements:

- (i) Minimum pavement widths {back of curb to back of curb; local access street. Thirty-two (32) feet collector street. Forty (40) feet.
 - (ii) The edge of pavement of any private shall be no closer than forty (40) feet to any building except that a street may be located within twenty (20) feet of an accessory building and except that this requirement shall not apply to passenger and goods loading and loading drives and facilities.
 - (iii) All streets and parking area shall be paved and bordered by a standard twenty-four (24) inch concrete curb and gutter. Storm drainage shall be installed in accordance with the standards required by the City of Cherryville.
- (9) Screening shall be required at the following locations:
- (i) Along major thoroughfares (as shown on the City of Cherryville Thoroughfare Plan), but the screen shall not hinder sight distance where project streets or entrances intersect with thoroughfares.
 - (ii) Within the project, along the boundaries between areas planned for non-residential uses and areas planned for residential uses. Such screening shall be located on the non-residential side of such boundary. Private recreation areas associated with residential uses shall not be required to be screened from residential uses.
 - (iii) Along a property line or a street bounding the project where said property line or street separates the project from any areas zoned or used for residential purposes.

Such screening shall materially screen the project from the view of the adjoining property, and from the view of residential areas within the project. Such screening shall otherwise be in compliance with Section 5.2 of this Ordinance.

In cases where screening is required by this Ordinance and devices such as existing vegetation or topographical features or extreme size of the tract involved would render the installation of screening unnecessary, the City Council is hereby empowered to accept the existing features as meeting the general screening

requirements. Such decision shall be based on the spirit and intent of this section. The vacancy or non-use of adjacent property shall not negate the necessity for installation of screening. If at any time after such existing features are accepted, such features are altered so as to render them inadequate for screening, as described in this section to achieve the required screen, the developer shall be required to make the necessary improvements to achieve the required screen.

- (10) Except for pedestrian walkways and pedestrian courts and paved facilities specifically designed and designated for passenger or goods loading and unloading no paved facilities (streets, drives, or parking areas) shall be located closer than forty (40) feet from the front or rear of any building or twenty (20) feet from the side of any building.
- (11) Off-street parking areas and all internal streets shall provide safe and convenient access for firefighting and refuse collection vehicles and service and delivery vehicles.
- (12) The front entrance to any principal building shall not directly face the goods loading area of any other principal building, unless there is a separation of at least one hundred fifty (150) feet between said building and sufficient landscaping to materially screen the said loading area from view from the front of the opposing building.
- (13) No principal building shall be located closer than seventy (70) feet to any other principal building within the development.
- (14) Each phase of a multi-phased project shall be able to stand as an independent project. As used in this section, the term "phase" shall refer to that portion of the project for which the applicant is seeking a Special Use Permit.

Section 11.3 Application Requirements and Review Procedures

Planned residential developments and planned unit developments (mixed use) are always Special Uses in zones where allowed. The Special Use Permit application and review procedures, therefore, serves as the primary procedure for review of planned developments.

There are, however, additional submissions required for planned developments and one additional step in the review procedure (sketch plan review by the Zoning Administrator and the Technical Review Committee). A separate fee, as established by the City Council, must also be submitted for planned developments. The purpose of this Section is to set forth the special application and review procedure for planned developments.

11.3.1 Sketch Plan Submission

Prior to formal submission of the full planned development plan, a sketch plan shall be submitted to the Zoning Administrator. At a minimum the sketch plan shall contain or be accompanied by the following

- a) A sketch vicinity map including north arrow showing the location of the planned development in relation to neighboring tracts, subdivisions, roads, and waterways;
- b) The boundaries of the tract and the portion of the tract proposed to be in the planned development;
- c) The total acreage of the planned development;
- d) Locations of any existing public streets or utilities and rights-of-way of such facilities;
- e) The existing and proposed uses of the land within the planned development and the existing uses of land adjoining it;
- f) General locations of existing natural features of the site such as wooded areas, water features, and significant topographic features;
- g) The proposed street layout with approximate pavement and right-of-way width;
- h) Existing property lines and approximate (sketch) locations of proposed property lines within the development showing all proposed lots or other divisions of land;
- i) Sketch of conceptual building locations;
- j) The name, address, and telephone number of the owner;
- k) The name, if any, of the proposed planned development;
- l) Streets and lots of adjacent development or platted properties; and
- m) The zoning classification of the tract and of adjacent properties.

11.3.2 Sketch Plan Review Procedures

The sketch plan should be submitted at least thirty (30) days prior to the date the applicant expects to submit his formal application for the planned development Special Use Permit.

- a) The Zoning Administrator and Technical Review Committee shall within twenty-one (21) days of receipt of the sketch plan, review the sketch plan for General compliance with the requirements of this Ordinance.

- b) The Zoning Administrator shall advise the applicant or his authorized agent of the regulations pertaining to the proposed planned development and the procedures to be followed in the preparation and submission of the formal application. One copy of the sketch plan shall be retained as a part of the record of the Zoning Administrator with another copy being returned to the applicant or his authorized agent along with any comments made by the Zoning Administrator.

11.3.3 Formal Plan Submission

Following the Zoning Administrator and Technical Review Committee's review and submission of comments on the sketch plan, or after twenty-one (21) days following submission of the sketch plan has elapsed without the Zoning Administrator having submitted his comments to the applicant, the applicant may submit his formal application for the planned development and application for Special Use Permit. Said formal application must be submitted to the Zoning Administrator at least fifteen (15) days prior to the Planning Board meeting at which it is to be reviewed. Timing of the submission and waivers of submission deadlines shall in all respect conform to the requirements set forth in Section 13.3-c of this Ordinance. A registered architect engineer or land surveyor currently licensed and registered by the appropriate North Carolina State Board shall prepare the formal plan.

- a. The formal plan shall contain all of the information set forth in Section 13.3-a of this Ordinance, and in addition shall contain or be accompanied by the following information:
 - (1) Title block containing, development name, name of owner, date or dates plan was prepared, a scale drawing in feet per inch listed in words or figures, north arrow, the name of the applicant;
 - (2) A sketch vicinity map with north arrow showing the relationship between the proposed planned development and surrounding area;
 - (3) The names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the planned development;
 - (4) The registration numbers and seals of the professional engineers, land surveyors, and/or architects;
 - (5) Locations of proposed property lines and proposed divisions of land within the development;
 - (6) The names of owners of adjoining properties;

- (7) For all proposed public streets and private streets proposed within or adjoining the development the following information:
 - (i) rights-of-way, location and dimensions
 - (ii) pavement widths
 - (iii) approximate grades
 - (iv) design engineering data for all corners and curves
 - (v) typical street cross sections
 - (vi) road names and whether to be public or private;
 - (8) The location and dimensions of existing and proposed utilities;
 - (9) Location of any proposed recreation or facilities and other areas designated as, and meeting the requirement of, "improved common open space" as set forth in 11.1.2-n of this Ordinance (area in square feet of each such area shall be provided);
 - (10) The future users and ownership (dedication or reservation for public use to a governmental body, for owners use to duly constituted homeowner's association, or for tenants use and remaining in developer's ownership) of recreation and open space lands.
 - (11) Location and proposed use of any existing wooded areas within the development site;
 - (12) Existing and proposed topography at minimum two (2) foot elevation intervals;
 - (13) Marshes, swamps, rock outcrops, ponds or lakes, streams or streams beds and any other natural features affecting the site;
 - (14) Average calculations for the entire planned development, for each proposed division of land within the development, for each phase of the development and by general land use within each phase; and
 - (15) The name and location of any site or buildings within the proposed development or within any contiguous property that is listed on the U.S. Department of Interior's National Register of Historic Places, or is designated as a Local Historic Property by Gaston County, or is within the HO-Historic Overlay Zone as set forth in this Ordinance.
- b. The Planning Board shall review the application for the planned development contemporaneously with its review of the application for a Special Use Permit. If a Special Use Permit (SUP) is recommended, the Planning Board shall then recommend whether to approve, deny, or approve subject to changes being made, the plan for the planned development. The Planning Board shall issue such recommendation

according to the same schedule for issuing a recommendation on the SUP as set forth in Section 13.3 of this Ordinance.

- c. Once a recommendation has been received from the Planning Board, or the forty-five (45) day Planning Board review period has expired, the City Council shall initiate its review of the planned development plan. The City Council's schedule for review and rendering a decision on the plan shall be in accordance with the same schedule and contemporaneous with the procedures set forth in Section 13.4 of this Ordinance. After it has rendered a decision on the SUP the City Council shall consider approval of the planned development plan. In rendering its decision, the Council may approve as submitted, disapprove, or approve subject to changes being made to the plan by the applicant.

f. SECTION 5.10 NON-RESIDENTIAL BUILDING DESIGN STANDARDS

Section 5.10 Non-Residential Building Design Standards

5.10.1 Purpose

- a) These standards are intended to promote the development of property with buildings that positively contribute to increasing property values, respond to long term needs of changing users, prioritize connectivity and access for pedestrians, future transit opportunities, and vehicular requirements, and integrate with adjacent existing properties by maintaining context sensitive street frontages along the thoroughfares they border.

5.10.2 Applicability

- a) Requirements of this section shall apply to all new and/or expanding developments in the B-1, B-2, B-3, RO and GMC zoning districts, as well as any office and/or retail developments located in the Residential zoning districts. This section does not apply to warehouse or industrial buildings **in GMC zoning districts**, and does not apply to detached, single family residential properties.
- b) Civic and Institutional buildings, such as schools, churches, and libraries, are signature community elements, and may be made exceptions to the requirements of the more regulated style of private development. However, appropriate designs for these types of structures is a crucial part of maintaining the image of the City; therefore, while civic and institutional buildings shall meet the following design regulations, exceptions may be provided administratively when the specific design circumstance is justified.

5.10.3 Architectural Standards

5.10.3.1 Materials and Color

- a) Building walls shall incorporate brick, stone, cast stone, formed concrete, stucco, concrete siding, EIFS, wood and wood materials designed and intended for use as an exterior finish material, or other long-lasting material over a minimum 75% of the surface area (excluding windows and doors). Exterior metal siding, aluminum siding, or vinyl siding shall be prohibited as a primary material. **However, GMC zoning districts shall be allowed exterior metal siding or aluminum siding on the sides and rear of the building only.**
- b) Building materials shall be similar to the materials already being used in the area, or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, detailing, color, and texture shall be used to ensure that the building relates to the rest of the neighborhood.
- c) Façade colors shall be of earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material only, the use of fluorescent, dayglow, or neon colors shall be prohibited.

5.10.3.2 Configurations and Articulation

- a) The building façade shall have a clearly identifiable base, body, and cap with horizontal element separating these components. The component described as the body shall constitute a minimum of 50% of the total building height.
- b) No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding forty (40) feet. All building walls shall include at least two of the following items:
 - i. Change in plane of at least twelve (12) inches in depth
 - ii. Change in texture or masonry pattern
 - iii. Windows
 - iv. Awnings and/or canopies, so long as they meet the following criteria;
 - 1. Must have a minimum of nine (9) feet clear height above the sidewalk and must have a minimum depth of three (3) feet.
 - 2. May extend into a required setback above private property; may extend into public right-of-way so long as it is no closer to 2 feet to the back of the curb of the street, nor shall it interfere with street trees, street lights, or street signs.
- c) All sides, including the rear of the building shall include materials and design characteristics consistent with those of the front. Use of inferior or lesser quality materials on side or rear walls is prohibited.

5.10.3.3 Transparency

- a) Façades of all commercial structures shall incorporate windows and doors over a minimum percentage of the surface area of street fronting facades. Minimum percentages are outlined below.
 - i. Ground level of commercial uses: 30% of surface area minimum
 - ii. Ground level buildings over 25,000 square feet: 20% of surface area minimum
 - iii. Upper Story Transparency: 20% of surface area minimum
- b) In cases where a building has more than two facades fronting a street or primary travel way, the transparency requirement shall only be required on two facades based on pedestrian traffic and vehicular visibility.

5.10.3.5 Roof Pitch and Form

- a) Rooflines should consist of one or more sloped planes. However, flat roofs are allowed so long as they are concealed from view by a parapet wall of a minimum height of three (3) feet along all elevations of the building.
- b) Pitched roofs shall be clad in wood shingles, standing seam metal, corrugated metal, slate, architectural asphalt shingles, or similar, high-quality roofing materials as determined by the Administrator. Minimum roof pitch shall be 3/12.
- c) All rooftop mechanical and electrical equipment shall be completely screened from view from all public streets and adjacent properties.

5.10.3.6 Height

- a) Building height is specific to the zoning district as outlined in Part 7 of this Ordinance. Height Calculations and Exceptions can be found in Section 5.9 of this Ordinance.

5.10.4 Site Design Standards

5.10.4.1 Relationship of Building to the Street

- a) Building facades that front a street must extend parallel to the street. Main pedestrian access to the building shall be from the fronting street, with secondary access from the parking areas. Entrances to retail oriented buildings shall be at grade with fronting sidewalk. Corner buildings may have corner entrances.
- b) To the greatest extent practical, parking shall be placed to the side and/or rear of a building. In instances where this requirement is not practical, as determined by the Administrator, two rows of parking, not greater than 40% of the total amount of parking located on the parcel may be located between a commercial building and the street that

is not located along. All additional off-street parking requirements can be found in Part 10 of this Ordinance.

- c) Drive-thru service windows shall be placed on the rear façade of the building. In no case shall a drive-thru window be located on the front façade. If a drive-thru window is to be located on a side of the building, it must be located on the least visible side from the fronting street.
- d) Loading and unloading areas shall be provided in accordance with Section 10.2 of this Ordinance. Loading/unloading areas shall be placed, to the greatest extent possible, to the rear of the structure and screened from view of any street or any residentially developed or residentially zoned property. In the event that a loading dock is necessary to support the proposed use, the loading dock shall be located to the rear of the structure and shall be screened from view of any street or any residentially developed or residentially zoned property.

5.10.4.2 Sidewalks

- a) A minimum of 8-foot-wide sidewalks are required with a minimum of 4 feet of landscaped buffer between sidewalk and edge of curb along Main Street. Bollards may be required at intersections to prevent unauthorized vehicles from accessing sidewalks. Subject to Administrators approval.
- b) A minimum of 6-foot-wide sidewalks are required with a minimum of 3 feet of landscaped buffer between sidewalk and edge of curb along all other routes. Subject to Administrator approval. **GMC zoning districts are exempt from these requirements.**

5.10.4.3 Solid Waste Storage Area

- a) Solid waste containers shall be confined to an enclosed area that is screened on all sides. Solid waste storage areas shall be located to the rear or side of the structure. These areas shall be designed to complement the structure and should be constructed from materials that match the building. Solid waste storage areas shall not be located in any applicable planting yard and shall be screened from any street and/or residentially developed or residentially zoned property.

5.10.4.4 Landscaping, Screening, and Mechanical Appurtenances

- a) Screening and landscaping shall be provided in accordance with Section 5.2 and 5.3 of this Ordinance. In addition to these requirements, landscaping shall be provided along the length of the first 15 feet of the front yard. Such landscaped area shall consist of any combination of trees, shrubs, grass, or other decorative or vegetative ground cover provided, however, that a minimum of 1 canopy tree per 40 feet OR 1 understory tree per 25 feet of linear road frontage be planted.

Understory trees shall be utilized where overhead utilities exist to minimize conflicts.

- b) Mechanical equipment, utility meters, storage areas, transformers, generators, and similar features or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure or they shall be located so that they are not visible from any public view or adjacent property. In addition to design elements, landscape materials shall be used to provide additional screening and/or softening of equipment areas.

5.10.4.5 Installation of Infrastructure

- a) If a development is requiring the installation of utilities, curb and gutter, sidewalk, bike paths, or greenways, the infrastructure shall be extended along the full length of the property. For instance, if curb and gutter is required along a street frontage, it will be provided along the entire length of the frontage. Greenways and bike lanes, where required based on the adopted plans, will be located along the entire frontage of the street, or along the full extent of the property, depending on the location of the infrastructure in relation to the site.

5.10.5 Alternative Designs

5.10.5.1 Conditional Zoning

- a) An applicant may request certain alternate designs to those that are required where such deviations may not meet the strict requirements of this Section 5.10, but clearly satisfy its purpose and intent. The City Council may, as part of a conditional zoning request, approve such alternative designs. Such approval must conform to the requirements of Section 19 of this Ordinance.

g. SECTION 4 FINAL PLAT

SECTION 4: FINAL PLAT

Adopted 5-14-90

No street shall be accepted and maintained by the City, nor shall any street lighting, water, electric, sewer, or natural gas be extended to or connected with any subdivision of land as defined herein, nor shall any permit be issued by the administrative agent or department of the City for the construction of any building or other improvement requiring a permit upon any land concerning which a plat is required to be approved, unless and until the FINAL PLAT has been approved by the ~~City Council~~ **Subdivision Technical Review Committee (which will consist of the City Manager, Zoning Director, Public Works Director, and Fire Chief)(and City Engineer if necessary)** of the City of Cherryville, North Carolina. The procedure for obtaining FINAL PLAT approval is as follows:

4.1 The subdivider shall submit to the City Manager Zoning Director within one (1) year of the date of the Preliminary Plat approval and at least fifteen (15) days prior to a regularity scheduled City Council meeting, at least three (3) black or blueline prints of the Final Plat and an original linen or mylar drawing. The City Manager Subdivision Technical Review Committee shall review the Final Plat to determine if it substantially conforms to the approved preliminary plat. If the City Manager Subdivision Technical Review Committee determines that the Final Plat does substantially conform to said preliminary plat, the City Manager shall submit it to the City Council for approval Subdivision Technical Review Committee shall approve or disapprove the Final Plat. If the City Manager Subdivision Technical Review Committee determines that the Final Plat does not substantially conform to the approved preliminary plat, the City Manager Subdivision Technical Review Committee shall first submit said Final Plat to the Planning Board for review and recommendation prior to its submission to the City Council shall make notations on the Plat and return it to the subdivider for corrections. The subdivider should then resubmit a new corrected Plat with those corrections requested by Subdivision Technical Review Committee. The Planning Board shall have forty five (45) days to make such recommendation and if it fails to act within said period the plat shall be forwarded to the City Council without such recommendation. Prior to submission of any Final Plat to the City Council, the City Manager shall submit the plat to the City Engineer, and City Department Head, or The City Manager or Zoning Director may request review and assistance from other outside agencies as he they deems deem appropriate. If additional time is needed for such persons or agencies to review the Final Plat the City Manager at his/ her discretion may delay submission Approval of the Final Plat to City Council for a period up to thirty (30) days.

The one (1) year limit may be extended on a one-time basis by a majority vote of the City Council the Subdivision Technical Review Committee for a period not to exceed six (6) months if, at the time the request has been presented, substantial progress has been made in constructing improvements as required in the approved preliminary plat.

4.2 The subdivider shall file the approved FINAL PLAT with the Register of Deeds of Gaston County for recording within sixty (60) days after the date of approval by City Council the Subdivision Technical Review Committee.

4.3 Before acting on the FINAL PLAT, the City Council Subdivision Technical Review Committee may request reports from any person or agency directly affected by the proposed development. Such reports shall certify compliance with or not deviations from the approved PRELIMINARY PLATT and the requirements of this Ordinance.

4.4 If the ~~City Council~~ Subdivision Technical Review Committee disapproves the FINAL PLAT, the reasons for such action shall be stated in and reference shall be made to the specific section of the Ordinance with which the plat does not comply.

4.5 Action of the ~~City Council~~ Subdivision Technical Review Committee shall be noted on the original linen or mylar tracing and on the three (3) prints of the FINAL PLAT. One (1) print and ~~linen or~~ one (1) mylar tracing of the plat shall be returned to the subdivider, one (1) print shall be filed with the City Clerk, one (1) print shall be filed with the ~~City Manager~~ Zoning Director, and one (1) ~~print mylar~~ shall be recorded with Register of Deeds of Gaston County by the subdivider within ~~six (6) months~~ sixty (60) days after approval by the ~~City Council~~ the Subdivision Technical Review Committee.

Mayor Beam asked if any citizens would like to speak during the public hearing. Former Mayor Wade Stroupe of, 101-C S. Elm Street, and a member of the planning board, approached the podium and thanked the Council for the reappointment to the planning board/board of adjustments. He stated that after the presentation from Mr. Elam, he is not sure what he is getting into, for another term. Mr. Stroupe also and shared that he hopes the Council will take action on each proposed amendment individually.

Former Mayor Stroupe shared, "I will be as brief as possible. I'm here as a citizen, but also as a member of the Planning Board, but I didn't come prepared and didn't do my homework to defend the actions of the planning board. So just taking these one at a time, the cluster development seems to be where there's the most discussion and the most information that we, you, you folks have talked about. The planning board in no way is against higher density development, smaller lot sizes, the things that were mentioned, the quality of life, things that that people are looking for today, that's certainly something that I think we all are becoming accustomed to and certainly enjoy. But I would love for somebody to explain me to me specifically what is this cluster development? I mean it's it pertains only to single family homes. So, the multi-use multi-family town home type stuff just doesn't come into play anyway. It's a special use of the zoning ordinance anyway, so, if a developer has an R-15 tract of land and they're wanting to go to the cluster development realm and go to, you know, the R-12 cluster and take it to a 9000 square foot line instead of a 15,000 square foot lot for example, and I'm talking off the top of my head. I have never understood what the cluster development gives them. It's basically a kind of a special use rezoning. Why don't they just apply for a rezoning from an R-15 to an R-9 and they achieve the exact same results? So, anyway, the cluster and all due respect to Mr. Elam and as the presentation was being made, it was not really brought out the fact that the planning and zoning board, even with not unanimous, but one distinction, requested that the Council consider removal of cluster developments period.

Councilmember Freeman, "He said that."

Mayor Stroupe, "He said that, but he's making a recommendation to you that this is what I want to do. Oh, and by the way, the planning and zoning board wants to do away with the whole cluster development. I don't see that in the notes. I'm not looking at the full agenda items that you folks are, so my apologies on that, and be that as it may, I think you're considering something that the planning director has brought to you, and that's within his purview and certainly your purview to entertain that, but I still think, it should have been more merit given to the fact that we did have an hour discussion about this, and we were all but one vote in agreement that the entire cluster development section should be done away. Again, to my point, personally, if a developer has a larger tract of land and it's zoned R-20, R-15, R-12, and they want to put smaller lot sizes, smaller homes, smaller setbacks, why would they not just apply for a different zoning. What's the purpose of the cluster development? You're basically, that's what you're doing in the one that you did support the planning board on, going from R12 to the R9 cluster or whatever, you were cutting the lot sizes and six?"

Councilmember Freeman, "It was giving them a lot more green space. They weren't developing all the land."

Mayor Stroupe, "Understood, and to another point, if you would. The plan residential developments that item E, that Mr. Elam was talking about, that was removed in 2002. I am glad it was brought out, who was the general population that was behind that removal. It was the builders for their own advantage, because I was mayor at that time, but in 2000, the planning and zoning ordinances were chopped apart from top to bottom. We had a citizens committee, we had the planning board, the planning board was involved with those changes, as well as the Council at that time. That's when this planned residential development section was added, with full agreement from the Planning Board. But two years later, the Planning board takes it out. So that begs the question of why, and I think you answered that tonight, but now here we are 24 years later, from when we did a full-scale revision of our planning and zoning ordinances, and nothing's been done since then. It's all been piece meal. It's all been ad hoc, as Richard can certainly speak to. He's had to go back and find when certain items were changed and certain things are not. So, if it's that we've asked, the planning is on board has asked twice in my tenor, which has only been about six or eight months, we've asked twice that the Council consider an entire revision of the whole ordinances. So, I personally think if you look at if you really look at the study the planned residential development section that was taken out 21 years ago, if that's implemented, I think that answers a lot of the questions about the cluster developments, because it puts it allows for the townhomes, multifamily, single family homes, duplexes, the whole yards, but it also gives very strict guidance as to what's done in this development, to the green spaces, to the amenities, to the setbacks, to the sidewalks, to whatever you want it to be, and you can certainly change that much more than maybe we changed it 20 years ago. But, it just looks like we're throwing a lot of stuff up against the wall to see if it sticks, and that just doesn't make any sense to me. So, we're maybe going to leave this cluster development in we may or may not put back in their planned residential development. In the bigger picture, we're all talking about the same thing. What does the city of Cherryville want in future development?"

Period. Do you want to be strict with it, or do you want to be loose with it and that that's your decision, right, but to. Take 24-year-old ordinances and piece, and they'll want to take this sentence and I'll put this sentence in. Take out a whole section or put in a whole section. I mean, that's certainly what you can do tonight, but it would be my full argument that something needs to be done, and sooner than later, for a full-scale revision of all of our ordinances. And it's my understanding that we have a lot of neighboring cities that have done that recently, and their standards are much more strict and much more fitting for today's environment than ours are. So, I would suggest that and one final question. On the fences or walls permitted, Mr. Elam I think we talked about this, but the question was, if someone had a knee wall or maybe just a small enter to their sidewalk in their front yard, I don't think the intention was to prohibit something of that nature. You see what I'm saying? I understand prohibiting a 6-foot fence on your front lawn set back, but if you have a nice little decorative fence, that's maybe 2 feet and in brick."

Councilmember Freeman, "Are you talking about a retainer wall?"

Mayor Stroupe, "Well, retaining them all, or just a decorative something. I know there's a house on Main Street that as you enter their sidewalk, they just have a little 45° angle, small fence. It's just probably, not 3 or 4 foot long on each leg. But I don't think the attempt was to prevent that sort of thing. So, you need to maybe address that in the language of that fence ordinance? But, thank you for your time again, I hope it's taken on and if there's any questions from what the planning board had, I would be happy to answer at this time.

Councilmember Hovis, "Section 6.5, which defines cluster development, did the planning board go through that to see that, that was something that was needed that maybe was not in the planning developments?"

Mayor Stroupe, "I don't know that we talked, I think we talked about it more maybe as, and certainly in my mind. It speaks more to if the planned residential Development Ordinance section was reinstated. That would answer some of the questions that are have come up since the cluster development, because cluster developments were not in, in 2000, they have been put in at some point in time since then."

Councilmember Hovis, "This this, this definition that we currently have speaks to utilities and streets in a cluster development, that maybe it would, this would be a cluster development would require less, maybe less utilities, less streets, and would save maintenance cost in the future."

Mayor Stroupe, "Perhaps you're correctness of this and, but again, I think it was our intent that if we have, if the city, we, if the city has a really a strict guidance on any plan development, any plan development in the neighborhood, whatever it is, it's that R-12, R-15, single family homes or if it's an old town homes and multi family, we feel that there needs to be guidance on that, and it needs to be consistent. It really doesn't matter if it's a multifamily area of town, or a single-family area of town, as far as aesthetics and green spaces and open spaces and amenities

and sidewalks, etcetera. That should kind of be consistent now. It would be obviously scaled to that particular development at that small multifamily versus a large R-15 single family home development would be scaled, but you still have those standards that every builder needs to adhere to, in our opinion, so."

Mr. Dalton, "Can I? I'm sorry to interrupt. I swear I'm getting a little bit confused because I feel like our ordinance does address those issues, like a development you know that's considered a you know, a planned development is, you know, 20 or more homes so it says, hey, the developer is responsible for the streets, the developer is responsible for the water and sewer, the developer now has to put in a sidewalk, all those things. So that's why I'm getting a little bit confused on where our ordinance doesn't address those issues. Because I feel like they do."

Mayor Stroupe, "Well you're, so the ordinance now addresses everything that's in the section 11.1 that was removed in 2006."

Mr. Dalton, "Well no, no, Section 11 brings those back correct. Brings a lot of that stuff back."

Mayor Stroupe, "And I'm not say here. I know all this stuff, but in, in my opinion and in the planning board's opinion the section. 11.1, planned residential developments ties all of that together, now there may be other phases of the current ordinance that stands, that requires them to put inside or doesn't do this, but the planned resolution development is a more, I think, a more consistent across the board, that this is what Cherryville wants to see, be it single family, multifamily, or whatever. So that ties it together in one place. Now, aside from that, people can still ask for special uses, or they can ask for rezonings, or those sorts of things. So again, I still never have anyone explain to me what the cluster development does."

Mr. Dalton, "And that's the big, well, it allows for more homes and less area."

Mayor Stroupe, "So, ok, I am a developer and I've got a track of land that's currently R-15, why would I not just apply for an R-9?"

Mr. Dalton, "Well, because R-9, if it's just a regular R-9, you're going to go to 9000 square foot lots. So, they're trying to go to 6000 square foot lots where they're going to get."

Mayor Stroupe, "And there again, that brings up a very good selling point for us. You've taken it out, at some point, that we might not all be agreement, maybe not, the 6000 square foot-lots in the single-family development is just too much. You need to specify that in your zoning ordinance."

Councilmember Freeman, "It's already in. We already have two huge developments approved with 6000 square-foot homes."

Mayor Stroupe, "Understood, but I think we can agree to disagree on that point, and I think."

Councilmember Freeman, "It's in there, we have already approved two."

Mayor Stroupe, "Understood, but is that what we want in our future of our Cherryville? Do we want high density 600 homes packed on a lot, and it goes back to my point to, of the one that was approved on Requa Road. The developer could have started his project, and I don't know what it went from, he could have put in 400 home sites without doing a thing, without coming here to do anything, but the city let him put in 600 home sites. Is that what we want?"

Councilmember Freeman, "I don't want it, but some people want it."

Mayor Stroupe, "But, that's again, that's the purpose of the planning and zoning ordinance. It's not what I want, it's not what you want Mr. Freeman, and Mayor, it's not what we individually want. It's what the city of Cherryville wants. So, if we continue to go back and forth with, we have an established track of land that's R12. They can do whatever they want to within the R12 zoning, but if we are making it easy to do an R-0 cluster, which gives them 6000 square-foot homes. We have said that we don't want 6000 square foot lots, but we going to give you a back door to do that. That just doesn't make sense. Make the zoning ordinance reflect what the city wants and make it consistent, and then it's easy. Easy on everybody. It's easy on the planning board, it's easy on developers, certainly easy on the Council that you don't have these continued conditional use applications and that sort of thing."

Councilmember Freeman, "In cases it is not easier on the developer because they can't make as much money."

Mayor Stroupe, "And is that the city of Cherryville's concern? Are we here to be concerned with what the developer's final profits are going to be? Or are we here to develop what the city of Cherryville wants to see?"

Councilmember Freeman, "In some cases, they won't come in and develop, because they can't buy a piece of property and make a profit."

Mayor Stroupe, "Again, excuse me. I'm going to sit down. We can argue that point all day long. What does the city of Cherryville want to see and be when it comes to planning and zoning? Planning and zoning is never fun. You're telling somebody else what they can do, what they can't do, but if you're going to have a planning and zoning ordinance, why not make it conducive to what Cherryville wants to see."

Councilmember Freeman, "How you going to decide what Cherryville wants to see?"

Mayor Stroupe, "Thank you Mr. Freeman, with all due respect, that's why you five were elected to sit where you're sitting, and make those decisions."

Mayor Beam, "But I think that's what they're trying to address now. In fact, we just turned down that guy that was one of the 6000 square foot homes. He is now in the process of reroofing and maybe will come back to Richard with the new plan. We don't know that, but uh, and that's why we're doing away with the 6000 for the future of cluster building."

Councilmember Freeman, "He pretty much told us last time her was here he can't do that and make a profit for his company."

Mayor Stroupe, "Again, again, with all due respect, that, as elected officials with city of Cherryville, that's where the concern should be. Not with developers, not with outside interests wanting to come in and change what we want to be, but another point again. I'm a little bit concerned that the emphasis of the planning and zoning boards vote to remove cluster development altogether has maybe skirted past and not taken seriously in this consideration."

Councilmember Freeman, "What I believe is that you should be let fair market dictate what the developers can do. Like they said before if they build four of those homes and they don't sell, they won't build anymore."

Mayor Stroupe, "I apologize and I am going to sit down and shut up after this. If that's going to be your stance, then do away with the planning ordinance all together. If bigger market is going to determine it, just let anybody do what they want to do. That's not the purpose of elected officials when you have a stated planning and zoning ordinance. By nature that is what you are doing with that ordinance."

Councilmember Puett, "Can I ask one question too? If it's an R-12, and it didn't have the name cluster tied to it, their going to have the same square footage, right?"

Mr. Dalton, "No."

Councilmember Puett, "What does that change?"

Mr. Dalton, "It's simply an R-12 it would be a 12,000 square foot lot. If they apply for an R-12 cluster development, it would go to an 8,000 square foot lot."

Mayor Stroupe, "Or they could apply for an R-9, and go to a 9,000 square foot lot in the standard ordinance."

Councilmember Abernethy, "If they go to a standard R-9, does that still require the open spaces?"

Mr. Dalton, "For a planned development, correct, yes."

City Attorney Taylor, "Correct if you add Section 11 back in."

Councilmember Abernethy, "So, I mean Wade no disrespect to you and to answer your question, I think we've already decided what direction we want for Cherryville by approving the R-9 clusters that we have already approved. My daughter lived in a cluster development for a couple years. You know the houses were right on top on each other and it was in Raleigh, and they loved it. They didn't want a yard. They said they wanted to come home and relax and now they have a son and they have bought a large house on a large lo. They are still in Raleigh, but

they live in a much bigger house with a huge lot where they want to have a backyard. I think you have to have a little bit of everything and I think that is the direction that we're going."

Mayor Beam, "I have a granddaughter that's went through the very same thing. She was in Wilmington and they loved it in the cluster home because that is all they could afford. They didn't have the upkeep and everything. They saved money and have now bought a house. They moved into town where they have an acre lot and a bigger house. So, I think you go through those stages with your marriage."

Councilmember Freeman, "A cluster home is an upgrade from an apartment."

Councilmember Puett, "One thing I like about it, is having these sidewalks where you see people on the sidewalks and not out in the streets, and like out and doing things. If you're walking, were all having to move and dodge things. There is no sidewalks, there is no curbing, it's just you're out on the road and moving. It would look a lot nicer if they were sidewalks in these. It makes it safer."

Mr. Sid Stroupe of, 207 W. Academy Street, approached the podium to say, "I have listened really intent to this and I am just going to give you my two cents worth. What I get is, because I was back with those other two developments, you know? I really do question if you really need this group of people that review this. With due respect to Richard, I didn't hear why the planning board had made that decision. And I am confused as to why you all were going down this track and not saying Richard, clarify why were they making this big decision. That's the reason you are appointing them. Right? To get their opinions and their expertise in this area? That is my first thing. I don't think anyone is arguing about they don't want a cluster or where the houses are closer together. I think what I heard Wade saying was simplifying it by adding this. Learning about a cluster development, it sort of makes it a little more complex if you already had the wording in there in 2002. I would suggest that somebody review it and say the definition of what we want to accomplish with the cluster. So, implement that back into the ordinance without creating another avenue. I guess is what I would say lastly. I also want to add a knee-high brick wall to the 1908 house that we have restored. It originally had that in the front, and its sort of a brick wall that defines the corners of the property on the street. So please don't prevent me from doing that. I'd like to have that in front of my house. Thank you for your time."

Councilmember Hovis, "Let me speak to the cluster. Of course, I was not on the City Council when the first two were approved, and when the Black Rock School Rd. came before us, I voted against that, because there was like almost 1,000 units in those first two that were adopted. I just felt like, one of my reasons was I didn't feel like we need another cluster development. Also, my second reason, I think you have to look at where the proposed development is located. What's surrounding it, where it is in our city. You have to that into consideration also. And that was another reason I voted against that Black Rock School Road development. As far as leaving the cluster development in our zoning ordinance, I think it is more of a new type thing. I'm from

the old school and cluster developments are kind of a new thing. They are a new thing and I don't really have a problem with them if they are approved for a certain tract of land, but I have misgivings about it. Thank you, that's all I have to say."

Councilmember Abernethy, "Either way it is going to have to come before us. Either way. So, if they request a cluster or they request a rezoning from an R-40 to an R-9, it still has to go before us."

Mr. Dalton, "It goes to the planning board first."

Councilmember Abernethy, "My memory is not what it use to be, but I am pretty sure when we approved the first one, the zoning board did not take a stance at all. So, they pretty much said, hey, we're not going to pick a side, ya'll pick. And you know at that point I was like, why do we have a zoning board if they're not, that's their job to tell us. That's another reason why I voted with the zoning board to decline the other one, because the zoning board said, hey, we don't want to approve it and like Janice said, I didn't think it fit in with the already development neighborhoods out there. The two that we've approved and where they are, I think they fit because they're a little bit more separated from, my mom lives out there at Requa, but this new development is far enough away from her that it's. She's not even she didn't know it's there. She don't even know that they cleared off that land and she drives it every day. So, I voted for those because I think they fit where the requests were, and I voted against the other one, because the zoning board recommended it, and I didn't fill like it fit that location, so I'm done too."

Councilmember Puett made a motion to exit the public hearing. Councilmember's Hovis and Freeman seconded the motion and the vote was unanimous.

After some discussion Councilmember Abernethy made a motion to approve amendments A, B, D, E, F, G, and to postpone voting on amendment C until the work session. Councilmember Hovis seconded the motion and the vote was unanimous.

CONSIDERATION OF "NO OUTLET" SIGN ON JOYCE DRIVE, MAYOR H.L. BEAM:

Councilmember Hovis shared that she has received a complaint that cars have been entering Colonial Drive and turning around. The cars are not residence of Colonial Drive and it is happening more and more. The citizen asked if the city could put up an "No Outlet" sign so people would know once they turn onto Colonial Drive that it is a dead in street.

Police Chief Hunsucker recommended putting a "Dead End" sign up and not a "No Outlet" sign, because the street is a dead end.

Councilmember Hovis made a motion to place a "Dead End" sign at the corner of Joyce Drive and Colonial Street. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION OF AUDIT CONTRACT FOR FY 2024, CITY MANAGER BRIAN DALTON:

Mr. Dalton asked for consideration for the audit contract for FY 2024 ending June 30, 2024. He shared that the cost for the audit is approximately \$56,000.00. Councilmember Puett made a motion to accept the audit contract for FY 2024. Councilmember Abernethy seconded the motion and the vote was unanimous.

CONSIDERATION TO SET A DATE FOR A PUBLIC HEARING RE: FY 2024-2025 ANNUAL BUDGET, CITY MANAGER BRIAN DALTON:

Mayor Beam asked for a motion to set a public hearing date for Monday June 10, 2024, for consideration of FY 2024-2025 proposed budget. Councilmember Puett made a motion to set a public hearing date for Monday June 10, 2024, for consideration of the FY 2024-2025 proposed budget. Councilmember Hovis seconded the motion and the vote was unanimous.

OTHER BUSINESS:

Councilmember Abernethy thanked staff for their hard work with the recent storm damage. He shared that he saw employees working anywhere they were needed. He also thanked the First Baptist Church for coming out and helping with tree removal.

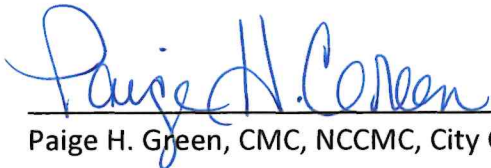
Mr. Dalton shared that the parking lot at the community building has been repaved and lined.

Mr. Dalton also shared that the grading for the new gym is taking place now.


ADJOURNMENT:

Councilmember Abernethy made a motion to adjourn the meeting. Councilmember Hovis seconded the motion and the vote was unanimous. The meeting adjourned at 7:30 pm.

Adopted the 10 day of June 2024.



Paige H. Green, CMC, NCCMC, City Clerk



H.L. Beam, Mayor

(SEAL)

