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# **PLANNING BOARD MEMORANDUM**

Town of Forest City, 128 N Powell St, Forest City NC, 28043

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**TO:** Board of Commissioners  
**FROM:** Board of Planning & Adjustment  
**DATE:** 16 December 2019  
**SUBJECT:** Text Amendment 2019-05, C-T District

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## **Request Information**

**Applicant:** Town of Forest City  
**Affected Sections:** 3.2-3.5, 4.2, 6.1, 6.4, 8.3, 8.5, 9.1-9.4, 13.8, 13.9 of the Unified Development Ordinance

At the 24 October Planning Board meeting, Commissioner Conner spoke of the Main Street Committee's Desire to extend the C-1 Central Business District to areas adjacent to the Pavilion on Park Square. After discussion, it was agreed a new district should be created to serve as a transition between the C-1 and C-2 Districts. The primary concern with the C-1 District was the lack of permitted residential uses. To address this concern, staff has prepared a text amendment to establish the Commercial Transition (C-T) District. This type of district was originally proposed (but not adopted) in the 2006 Downtown Core Plan. Staff has used this proposal

As discussed at the 24 November Planning Board Meeting, the C-T District generally combines the residential uses permitted in the C-2 District with the commercial and civic uses permitted in the C-1 District.

## **Summary of Recommended Changes**

### **Residential Uses**

Permitted uses are inherited from C-2 District, with one exception: multi-family uses permitted by right, rather than by conditional use. The proposed C-T District also allows single-family detached, two-family, multi-family, upper-story residential, and accessory dwellings by right.

### **Commercial/Industrial/Civic Uses**

Commercial, industrial, and recreational uses permitted in the proposed C-T District are generally the same as those allowed in the C-1 District. Motor vehicle sales or

services, restaurants with drive-through, hotels, and outside retail are the significant uses that are not permitted in the proposed C-T District.

### **Setbacks/Signage/Landscaping/Parking**

Parking regulations are inherited from the C-1 District. This means there are no minimum parking requirements, however, residential uses must demonstrate that there are enough spaces available within 400 feet of their location and no residential parking is allowed on Main Street. There are no proposed setbacks, however, any commercial use adjacent to a residential use would have to create a 10' buffer yard to screen their business from any residence.

Signage follows the same requirements as the C-1 District. Wall signs are allowed, while freestanding signs are not. Landscaping follows the same requirements as the C-1 District, except the above-mentioned buffer yard.

### **Proposed Amendments**

#### **Proposed New Text**

## Section 3.2 - Base Zoning Districts

### **3.2.7 C-T Commercial Transition District**

**The C-T Commercial Transition District is established as a district where a mix of commercial, civic, and high-density residential uses are allowed. This district is intended to become part of the Downtown Core in the Future Land Use Map of the Comprehensive Plan. Permitted uses should serve as a complement to the C-1 District and act as a transition between more intensive commercial uses and those typically found in a downtown area. Uses requiring outside storage, excessive parking, or other sprawling characteristics incompatible with a downtown area are not permitted.**

## Section 3.3 - Permitted Uses Table (see Attachment A)

## Section 3.4 - Dimensional Requirements

### 3.4.1 - General Provisions.

(H) On a corner lot in any district other than the C-1 **or C-T** district, no planting, structure, fence, wall, or other obstruction to vision that is more than two (2) feet tall as measured at street level shall be placed in the sight triangle. The sight

triangle is the area formed by a diagonal line connecting two (2) points located on intersecting property lines (or a property line and the curb or a driveway). The following are the distances used to establish a sight triangle as measured from an intersecting right-of-way:

### 3.4.2 - Dimensional Table

District	Max. Residential Density	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Max. Height (feet)
R-20	2 DUA	20,000	100	150	35	10	15	35
R-15	3 DUA	15,000	100	150	35	10	15	35
R-8	5 DUA	8,000	75	100	25	10	10	35
R-6	7 DUA	6,000	50	100	20	10	10	35
O-I	7 DUA	6,000	50	100	20	10	10	35
C-1	15 DUA	N/A	N/A	N/A	N/A	N/A	N/A	60
<b>C-T</b>	<b>30 DUA</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>60</b>
C-2	7 DUA	N/A	N/A	N/A	N/A	N/A	N/A	60
C-3	7 DUA	N/A	N/A	N/A	35	N/A	N/A	60
M-1	N/A	10,000	N/A	N/A	35	20	20	60
PRD	N/A	N/A	40	N/A	15	5	5	N/A

## Section 3.5 – Conditional Zoning Districts

### 3.5.1 - Purpose

(C) Just as there are 10 **11** base zoning districts, there are 10 **11** corresponding Conditional Zoning Districts.

- (1) CZ R-20 Low-Density Residential/Agricultural District.
- (2) CZ R-15 Low-Density Residential District.
- (3) CZ R-8 Medium Density Residential District.
- (4) CZ R-6 High-Density Residential District.
- (5) CZ OI Office and Institutional District.
- (6) CZ C-1 Central Business District.
- (7) CZ C-T Commercial Transition District**
- (7) CZ C-2 General Business District.
- (8) CZ C-3 Highway Business District.
- (9) CZ M-1 Industrial District.

(10) CZ PRD Planned Adaptive Re-use District.

Chapter 4 – Special Requirements

Section 4.2.11 – Upper-story residential units

(D) Off-street parking is not required in the C-1 **or C-T** district. However, additional parking may be required if adequate parking does not exist for all uses within the area.

Section 4.9.4 – Temporary Uses

(D) Temporary Sales

(2) Such uses are subject to the following conditions:

(a) Temporary retail sales shall be limited to the C-1, **C-T** C-2, C-3 and M-1 zoning districts only.

(E) Produce Stands (temporary)

(2) Temporary produce stands are permitted in commercial districts (O-I, C-1, **C-T**, C-2, C-3, M-1 and PRD) up to 365 days a year, provided that the temporary use permit is renewed annually and there is only one (1) temporary use on the property at a time.

(G) Outdoor Display of Merchandise

(1) Outdoor display of merchandise on sidewalks is permitted for retail establishments in the C-1, **C-T**, and C-2 districts provided that not more than one-half ( $\frac{1}{2}$ ) of the width of the sidewalk is obstructed and the minimum width to comply with the American's with Disabilities Act (ADA) is maintained.

(H) Outdoor Dining

Outdoor dining is permitted on the sidewalks immediately in front of permitted restaurant uses in the C-1, **C-T**, and C-2 districts provided that not more than one-half ( $\frac{1}{2}$ ) of the width of the sidewalk is obstructed and the minimum width to comply with the American's with Disabilities Act (ADA) is maintained.

## Chapter 6 – Signs

Table 6.1 – Freestanding Temporary Sign Criteria

Criteria	Type 2	Type 4
Zoning District	O-I, C-1, <b>C-T</b> , C-2, C-3, M-1	C-1, <b>C-T</b>
Permit Required	No	No
Max. Size (sq ft)	16	6
Max. Height (ft)	4	4
Number Permitted	1	1 per customer entrance
Max. Duration	14 days up to 6 times per calendar year with minimum 7 days separation	Between daily opening and closing
Mounting	Supported by posts or stakes	A-frame
Material	Flexible	Rigid
Other		Shall be located within 10 feet of building wall and within 10 feet of a customer entrance. May be located on sidewalk if with a minimum 3-foot clearance. Shall not be placed in a landscaped area or parking area or driveway

### 6.4.2 – Development Entrance Sign

Permanent sign at the entrance of neighborhoods or developments

District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number	Other
C-1	No	NA	NA	NA	Maximum area may be split between 2 signs on either side of entrance
<b>C-T</b>	<b>No</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	
C-2	PL*	32 sf	8	2	

#### 6.4.3 – Wall Sign

A permanent sign larger than one (1) square foot that is legible from off-site and is affixed to a building wall, window, canopy, or awning.

District	Sign Type Allowed	Max. Area (square feet per linear feet of building wall)	Max. Number (per wall)	Other
C-1	PL	1 (up to 100 sf)	2	(6 items)
<b>C-T</b>	<b>PL</b>	<b>1 (up to 100 sf)</b>	<b>2</b>	
C-2	PL	1 (up to 100 sf)	2	

#### 6.4.4 – Freestanding Sign (on-premises)

A permanent sign that identifies a building's tenant(s) located on-site that is mounted to the ground. A free-standing sign may be monument, arm, pole, or pylon style, unless otherwise specified. Up to 50 percent of the allowable area of a freestanding sign may be manually changeable copy.

District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number	Other
C-1	No	NA	NA	NA	NA
<b>C-T</b>	<b>No</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>	<b>NA</b>
C-2	PL	60 sf	15	1 per street front	• Lots with 2 or more tenants shall utilize a multi-tenant sign.
					• Shall be monument or arm style.
					• Permitted for each street front provided that total area does not exceed 1.5 times max. area.

#### 6.4.6 – Billboards

Signs for entities that are not located on the same premises as the sign.

District	Sign Type Allowed	Max. Area (square feet)	Max. Height (feet)	Max. Number (per lot)	Other
C-1	No	NA			
<b>C-T</b>	<b>No</b>	<b>NA</b>			
C-1	No	NA			

## Section 8.3 – Landscaping Types and Requirements

### 8.3.1 – Buffer Yards

(A) Buffer yards area intended to screen non-residential development from residentially used or zoned property. Buffers shall be measured from the subject property line into to the site to be developed. Buffer yard width shall not affect the required building setback for each zoning district as set forth in Section 3.4. The following table establishes the minimum buffer width for a new or expanding non-residential development adjacent to residentially-zoned property (R-20, R-15, R-8, or R-6) or property with an existing residential use:

Zoning District of New or Expanding Non-Residential Development	Minimum Buffer Yard Width
O-I	8 feet
C-1	0 feet
<b>C-T</b>	<b>10 feet</b>
C-2	10 feet
C-3	15 feet
M-1	30 feet

### 8.3.2 – Street Yard

(B) Street yards shall not be required in the C-1 **or C-T** zoning districts **s** or in any district where the building is within 10 feet of the street right of way

## Section 8.5 – Fences and Walls

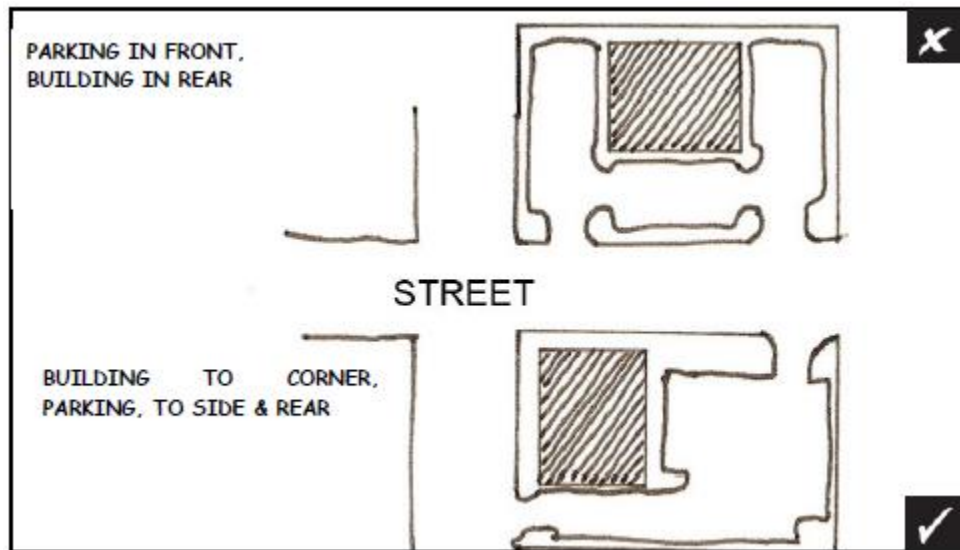
(E) Barbed wire shall only be permitted for agricultural uses in the R-20 and R-15 districts. In commercial districts (O-I, C-1, **C-T**, C-2, C-3 and M-1), barbed wire or razor wire shall only be permitted for security purposes in the side or rear yard on fences of eight (8) feet in height.

## Section 9.2 – Off Street Parking Requirements

### 9.2.2 Parking Lot Design

(E) No new off-street parking area in the C-1, **C-T, or** C-2 districts shall extend toward a public street right-of-way beyond the front wall of the closest adjacent building. See Figure 9.1.

FIGURE 9.1: PARKING LOCATION IN RELATION TO BUILDINGS IN THE C-1, **C-T,** AND C-2 DISTRICTS



#### 9.2.2 Parking Lot Design (cont.)

(F) All new or expanding off-street parking areas in the C-1, **C-T, and** C-2 districts that abut a public street right-of-way shall be screened with a hedgerow or masonry wall of at least three (3) feet in height.

### Section 9.3 – Number of Parking Spaces Required

(A) All developments shall provide a sufficient number of on-site parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. Non-residential uses within the C-1 **and C-T** zoning districts **s** are exempt from this requirement. Residential uses within the C-1 **and C-T** zoning districts **s** shall demonstrate to the Administrator that sufficient parking is available within 400 feet. No on-street parking on Main Street shall be utilized for residential uses within the C-1 **or C-T** districts **s**.

### Section 9.4 – Parking Location, Shared Parking and Connectivity

#### 9.4.1 Parking Location

(D) No on-street parking on Main Street shall be utilized for residential uses within the C-1 **or C-T** zoning districts **s**.



### Section 13.8 – Nonconforming Landscaping and Buffering

Except as herein provided, any expansion of 20 percent or greater an existing use, structure, or parking area or a significant change of use which is deficient in landscaping and/or buffering, shall not occur without the screening and/or landscaping required by Chapter 8 having first been provided on-site. The C-1 **and C-T** districts **s** are exempt from this requirement. The requirements of Chapter 8 shall be met to the greatest extent possible as determined by the Administrator.

### Section 13.9 - Nonconforming Parking and Loading

(A) On any lot in any zoning district, except the C-1 **and C-T** districts **s**, which contains a use which does not comply with the off-street parking and loading regulations contained in Chapter 9 of this Ordinance, no expansion of greater than 20 percent or any significant change of use shall be approved which would result in a need to increase the number of off-street parking and/or loading spaces required (except as herein provided), until the requisite number of off-street parking spaces and all paving requirements have been met.

## **Plans & Policies**

The following goals and strategies from the Comprehensive Land Use Plan relate to this text amendment:

**Community Goal C1:** Maintain and market Forest City's small-town character, thriving downtown, and recreational amenities as desirable assets and key factors in attracting and retaining business, industry, residents and tourism.

**Land Use Goal L1:** Utilize the Future Land Use Map to encourage development that is compatible with surrounding development and available infrastructure and services while discouraging the overdevelopment of environmentally sensitive areas.

**Land Use Goal L6:** Promote additional infill residential development to support existing and future commercial development.

**Land Use Goal L11:** Require a "Needs Assessment" for all proposed multi-family development requests.

**Development Goal D1:** Promote additional residential development in and surrounding the Downtown Core by encouraging residential units in the main Florence Mill building, a "New Florence Mill Village" adjacent to the mill and new houses and townhomes on Trade Street.

**Development Goal D6:** Along Trade Street, promote the construction of new buildings and upgrading of existing buildings for professional offices, retail and townhouses. Incorporate higher landscaping standards and upgrade side streets with compatible construction.

**Development Goal D8:** Improve downtown development regulations and discourage incompatible sprawl development on the corridor entrances into downtown.

**Development Goal D11:** Encourage and provide a wide range of attractions into Downtown for current residents and visitors.

## **Action Requested**

The Board of Commissioners is requested to act on one of the following items:

**Approve as presented and consistent with the Comprehensive Plan:**

*The Board of Commissioners finds the amendments are consistent with the Town's Comprehensive Land Use Plan, specifically strategies C1, L1, L6, L11, D1, D6, D8, and D11, and considers the action reasonable and in the public interest.*

**Approve with changes and consistent with the Comprehensive Plan:**

*The Board of Commissioners finds that with the changes agreed upon, the amendments are consistent with the Town's Comprehensive Land Use Plan, specifically strategies C1, L1, L6, L11, D1, D6, D8, and D11, and considers the action reasonable and in the public interest.*

**Approve but inconsistent with the Comprehensive Plan:**

*The Board of Commissioners finds that the proposed amendment is not consistent with the Town of Forest City Comprehensive Land Use plan as adopted but finds the proposed amendments to be reasonable and in the public interest.*

**Deny and inconsistent with the Comprehensive Plan:**

*The Board of Commissioners finds the proposed amendment inconsistent with the Town of Forest City Comprehensive Land Use Plan and does not consider the action to be reasonable and in the public interest.*

**Defer:** *The amendment needs additional consideration.*

**Attachments**

Attachment A – Permitted Uses Table Amendments

Attachment B -

## Attachment A – Permitted Uses Table Amendments

Residential Uses	C-1	C-T	C-2	SR
Accessory dwellings		P	P	4.2.1
Accessory structures (residential)		P	P	4.2.2
Caretaker's Residence				
Conservation developments				4.2.3
Family care homes		P	P	4.2.4
Home occupations		P	P	4.2.5
Manufactured homes on individual lots				4.2.6
Manufactured home park				
Multi-family dwellings (includes apartments and townhomes)		P	C	4.2.7
Single-family dwellings (detached)		P	P	
Temporary emergency manufactured homes	P	P	P	4.2.8
Traditional Neighborhood Development				4.2.9
Two-family dwellings (duplexes)		P	P	4.2.10
Upper-story residential unit	P	P	P	4.2.11

Uses permitted in C-T but not permitted in C-1

Civic, Government, and Institutional Uses	C-1	C-T	C-2	SR
Cemeteries			P	
Colleges, Universities, and associated facilities	P	P	P	
Correctional facilities				
Daycare Centers	P	P	P	4.3.1
Emergency Services (fire, police, EMT, and similar uses)	P	P	P	
Government office buildings	P	P	P	
Hospitals, public and private	P	P	P	
Libraries, museums, art galleries, and similar uses	P	P	P	
Post Offices	P	P	P	
Religious institutions and related uses	P	P	P	
Research facilities				
Residential care facilities			P	4.3.2
Schools, instructional	P	P	P	
Schools and associated facilities (public and private)	P	P	P	
Schools (trade and vocational)	P	P	P	
Social, fraternal, and philanthropic clubs and non-profit uses	P	P	P	
Uses not permitted in C-T but permitted in C-2				

Office and Service Uses	C-1	C-T	C-2	SR
Animal services (no outdoor kennels)		P	P	
Animal services (with outdoor kennels)				4.4.1
Artists, craftsman	P	P	P	
Banks, financial services	P	P	P	
Bed and breakfast inns	P	P	P	
Body piercing and tattoo studios				4.4.2
Dry cleaning and laundry establishments (non-industrial)	P	P	P	
Fortune tellers, astrologers				
Funeral homes and mortuaries			P	
Hotels and motels			P	
Internal service facilities (incidental to permitted uses)	P	P	P	
Motion picture production	P	P	P	
Motor vehicle or boat services (no outdoor storage)			P	4.4.3
Motor vehicle boat services (with outdoor storage)				4.4.3
Medical, dental, chiropractic, optical, psychiatric clinics or related offices and/or laboratories	P	P	P	
Personal service uses	P	P	P	
Professional offices	P	P	P	
Research, development, or testing services				
Services, other (no outdoor storage)	P	P	P	
Services, other (with outdoor storage)				

Uses permitted in C-T but not permitted in C-1

Uses not permitted in C-T but permitted in C-2

Retail and Wholesale Uses	C-1	C-T	C-2	SR
ABC sales for on premises consumption	P	P	P	
Auction houses		P	P	
Farmers' markets	P	P	P	
Microbrewery, microdistillery, microwinery	P	P	P	
Motor vehicle or boat sales or rental			F	4.5.1
Pawn shops	P	P	P	
Restaurants (no drive-through)	P	P	P	
Restaurants (with drive-through)				4.9.2
Retail uses (less than 10,000 square feet, inside fully enclosed building)	P	P	P	
Retail uses (10,000—60,000 square feet, inside fully enclosed building)	C	C	P	
Retail uses (greater than 60,000 square feet, inside fully enclosed building)			C	
Retail uses (outside fully enclosed building)			C	4.5.3
Shopping centers and malls			C	
Wholesale			F	

Uses permitted in C-T but not permitted in C-1

Uses not permitted in C-T but permitted in C-2

Recreation and Entertainment Uses	C-1	C-T	C-2	SR
Adult oriented businesses				4.6.1
Auditorium, assembly hall	P	P	P	
Banquet, events facility	P	P	P	
Billiards hall			P	
Campgrounds				4.6.2
Electronic gaming operations				
Golf, tennis, swimming clubs & related uses (private, not in development)	P	P	P	4.6.3
Golf, tennis, swimming facilities, athletic fields & related uses (public)	P	P	P	4.6.3
Parks (public)	P	P	P	
Private clubs	P	P	P	
Recreation facilities associated with a residential development	P	P	P	
Recreation facilities, fitness	P	P	P	
Recreation facilities, indoor (including vintage arcades, bowling, skating, and similar uses)	P	P	P	
Recreation facilities (outdoor, including golf driving ranges, miniature golf, skateboard parks, water slides, batting cages & similar uses)				4.6.4
Shooting ranges (indoor)				4.6.5
Shooting ranges (outdoor-local government only)				
Theater (drive-in)				
Theater (indoor)	P	P	P	
Theater (open-air)	P	P	P	

Uses permitted in C-T but not permitted in C-1

Uses not permitted in C-T but permitted in C-2



Industrial, Warehousing, Transportation, and Utility Uses	C-1	C-T	C-2	SR
Airports and heliports				4.7.1
Asphalt plants				4.7.2
Automobile parking lots or garages (principal use)	P	P	P	
Broadcast towers and equipment (excluding wireless telecommunications towers)			P	4.7.3
Bus and train stations	P	P	P	
Data centers				
Distribution centers				
Electric transmission lines and appurtenances	P	P	P	
Junkyards, salvage yards, recycling operations and similar uses				4.7.4
Landfill (construction, demolition, land clearing and inert debris))				
Landfill (sanitary)				
Manufacturing, processing, and assembly (inside fully enclosed building)				
Manufacturing, processing, and assembly (outside fully enclosed building)				
Mining and quarrying operations				4.7.5
Natural gas distribution lines and related appurtenances	P	P	P	
Power generation/production facilities (not including wind and solar)				
Power generation/production, solar (individual use)	P	P	P	
Power generation/production, wind (individual use)				
Rail terminals or yards				
Recycling centers (excluding recycling operations)				
Sewage collection lines, pump stations, and appurtenances	P	P	P	

	C-1	C-T	C-2	
Sewage treatment plants (non-government, public)	C	C	C	4.7.6
Solar power generation facilities (solar farms)				
Taxicab stands or offices			P	
Telecommunication lines and related appurtenances	P	P	P	
Transit stops	P	P	P	
Truck stops				
Warehouse uses (excluding mini-warehouses)				
Warehouse, mini			C	
Water distribution lines, pumps, storage, tanks, and appurtenances	P	P	P	
Water treatment plants (non-government, public)	C	C	C	4.7.6
Wind power generation facilities (wind farms)				
Wireless telecommunications towers			C	4.7.7

Uses not permitted in C-T but permitted in C-2

Attachment A cont. – Permitted Uses Table Amendments

Agricultural Uses		C-1	C-T	C-2	SR
Bona fide farms (excluding swine production, see Section 1.4.2)		P	P	P	
Equestrian uses (horseback riding, stables)					4.8.1
Greenhouse or horticultural nursery (no on-premises sales)					
Greenhouse or horticultural nursery, commercial (with on-premises sales)				P	
Produce Stand (permanent)			C	C	4.8.2
Other Uses		C-1	C-T	C-2	SR
Accessory structures (associated with permitted non-residential uses)		P	P	P	4.9.1
Drive-through/Drive-in uses (associated with permitted use)		C	C	P	4.9.2
Outdoor Storage (associated with a permitted use, excluding outdoor sales display)					4.9.3
Temporary Uses (per Chapter 4)		P	P	P	4.9.4

Uses not permitted in C-T but permitted in C-2