



**SPECIAL CALLED MEETING AGENDA
WEDNESDAY, JANUARY 27, 2021
7:00 PM
NASHVILLE TOWN COUNCIL CHAMBERS**

- 1. Call to Order - 7:00 PM**
- 2. Pledge of Allegiance and Prayer**
- 3. Public Hearings**
 - a. Special Use 2021-01: Request by AnQuan Bullock for a Special Use Permit to allow an in-home day care to be located at 113 Woodfield Drive, R-10 (Medium-Density Residential) Zoning District, Nash County Parcel ID #3810 10 26 6864, in the Town of Nashville, per Division 4; Section 18-113(3), 18-114, and 18-115(12) of the Nashville Zoning Ordinance.
 - b. Ordinance Amendment: 2021-2: An ordinance amending Chapter 18 "Land Use Regulations" in the Code of Ordinances for the Town of Nashville.
- 4. Council Comments**
- 5. Adjourn**



TOWN OF NASHVILLE

P.O. Box 987
499 S. BARNES STREET
NASHVILLE, NC 27856
WWW.TOWNOFNASHVILLE.COM
(252) 459-4511

Town Council AGENDA REPORT

MEETING DATE:	January 27, 2021
PREPARED BY:	Sherry N. Moss, Planning & Development Director
ISSUE CONSIDERED:	SU 2021-01
SUMMARY OF ISSUE:	Request to establish a “Day Care Facility” at 113 Woodfield Drive. The lot is zoned R-10 (Medium Density Residential District) and contains approximately 0.34 acres. Day Cares are allowed in the R-10 zoning district by a Special Use Permit.
STAFF RECOMMENDATION:	Staff does not make a recommendation on special use permits until after the public hearing.
ATTACHMENT(S):	<ol style="list-style-type: none">1. Quasi-Judicial Rules2. Special Use Permit Application3. Map of Property Boundaries4. Property Owner Listing5. Site Plan6. Dwelling/Residence Layout7. Photos of Proposed Site8. Vicinity Map9. Zoning Map10. Future Land Use Map11. Table of Permitted Uses12. §18-114 and §18-115 (12)
REVIEWED BY TOWN MANAGER:	

The following rules apply to the quasi-judicial public hearing (2021-01, Special Use Permit, Day Care):

This application for a special use permit requires an evidentiary hearing on the application, which will be heard by Council acting as a quasi-judicial board. The purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the applicable ordinance. The purpose is not to gather public opinion about the desirability of the project. Council should not discuss or receive information about the merits of the case from the parties, or members of the public, before the hearing. All testimony before Council must be “sworn” testimony. All persons wishing to speak on this matter must be sworn in. Applicants may elect to be represented by legal counsel.

The applicant has the burden of producing sufficient substantial, competent, and material evidence for the Council to conclude that the criteria of the applicable ordinance(s) have been met.

Staff will not provide a recommendation on denial or approval of the case until after the evidentiary hearing is closed. All evidence must be presented and considered before a recommendation can be submitted. After the hearing is closed, staff will be prepared to make their recommendation to the Board.

PROCEDURE FOR THE HEARING

The procedure for hearing this case is as follows:

- Anyone who wants to speak at this quasi-judicial public hearing should sign in with the town clerk and be sworn in to speak.
- The hearing is opened and preliminary matters are addressed.
- A staff representative presents a preliminary statement.
- The applicant is called on to present the argument and evidence in support of the application, followed by others who wish to speak in support of the application.
- Council and members of the planning board may pose questions to the applicant and the speakers who spoke in support of the application.
- Persons opposed to the application are invited to speak.
- Council and members of the planning board may pose questions to the persons who spoke in opposition to the request.
- Both sides are permitted to question the other side and present rebuttals.
- The Mayor closes the period for public discussion.
- Council and the planning board deliberate. In the course of the deliberation, the members of the council and the planning board may ask questions of the staff, the applicant or others who have testified, but beyond that, additional comments from the floor will be admitted only at the discretion of the Mayor. Additional cross-examination and rebuttals may be made only on new evidence presented.
- Staff may present their recommendation to the Boards at this time.
- The hearing is closed.

- The planning board will make a written recommendation to the town council before the next regular council meeting. The town council will render a decision at the next regular council meeting.

RULES FOR PUBLIC HEARING SPEAKERS

- All speakers should speak from the podium.
- The applicant should present their argument and evidence to show that the standards of the applicable ordinance(s) have been met as concisely and efficiently as possible.
- All speakers should address the approval criteria and must avoid inflammatory, irrelevant or repetitious testimony. Groups are encouraged to select a spokesperson to speak about general matters for the group.
- Speakers may introduce exhibits only to support their testimony at the hearing. Letters from individuals who do not appear at the hearing and petitions are considered unsworn testimony or hearsay, and cannot be considered by council.
- All speakers should ensure their testimony (i) is relevant to the criteria, (ii) consists of statements and facts about which the speaker can personally testify, and not the statements or words of others who are not testifying and (iii) is not speculative opinions or generalized objections without supporting facts.
- Only speakers who are qualified as experts in the appropriate field should testify about (i) how the use of property in a particular way would affect the value of other property, (ii) how the increase of vehicular traffic resulting from the proposed development would pose a danger to the public safety, or (iii) other matters that would require expert testimony under the rules of evidence.
- All speakers should direct their testimony to the criteria that must be met for the particular application. For this special use permit approval the criteria are:
 - A. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 - B. Use meets all required conditions and specifications.
 - C. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
 - D. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town.

QUASI-JUDICIAL REQUIREMENTS FOR VOTING

The Town Council and Planning Board should motion on the approval or denial of SU 2021-01.

1. If approved, the Board need not make findings of fact.
2. If denied the Board must vote on each specific finding and state a reason as to why the finding was denied. Only one finding must be denied to oppose the permit. The findings of fact are as follows:

- a. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - b. Use meets all required conditions and specifications;
 - c. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
 - d. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town.
3. If approved, any conditions should be stated in the motion to approve.

Choices:

- Zoning denial with specific finding and stated reasoning for such.
- Zoning approval without conditions (acceptance of project as submitted).
- Zoning approval with a selection of conditions provided by staff, Board Members and/or applicant.
- Table for further study.



APPLICATION FOR A SPECIAL USE PERMIT
TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: 12-7-2020
(To be completed by Town staff)

Case #: SU 2021-01
(To be assigned by Town staff)

I (we), the undersigned, being the owner(s) of the property, do hereby make application for a Special Use Permit as herein requested.

1. The property where the request is to be located has the following street address (or description if no street address has been assigned): 113 Woodfield drive Nashville, NC 27856.
The property is identified by the following map, block, and parcel number 3810.10.26.4864
040811 of the Nash County property ownership map (tax records) and contains approximately 0.34 acres. A map of the property boundaries is attached to this application.

Note: If any plans or details are required for the special use request, they must be submitted for this application to be complete.

2. This special use permit is requested for the following reason or purpose: in home daycare

Based on Division 4, Section 18-115 & 116 of the Nashville Zoning Ordinance, the specific special use category that is being requested is Daycare Facility

The zoning district of the property where the special use is being requested is R-10.
[For residential uses, indicate the number of dwelling units per acre being proposed (N/A du/acre).]

3. The special use permit fee (\$200⁰⁰) is included with this application.

4. The following are all individuals, firms, or corporations owning property within 100 feet of the property where the special use is being requested. (Attach an additional sheet(s) if needed.)

Tax Id # (Parcel) Name Mailing Address

-see attach

I certify that all information furnished in this application is accurate to the best of my knowledge. In addition, I give the Town permission to visit the property where this special use is being requested, prior to action by the Town Council.

Property Owner(s)

Owners representative (if applicable)

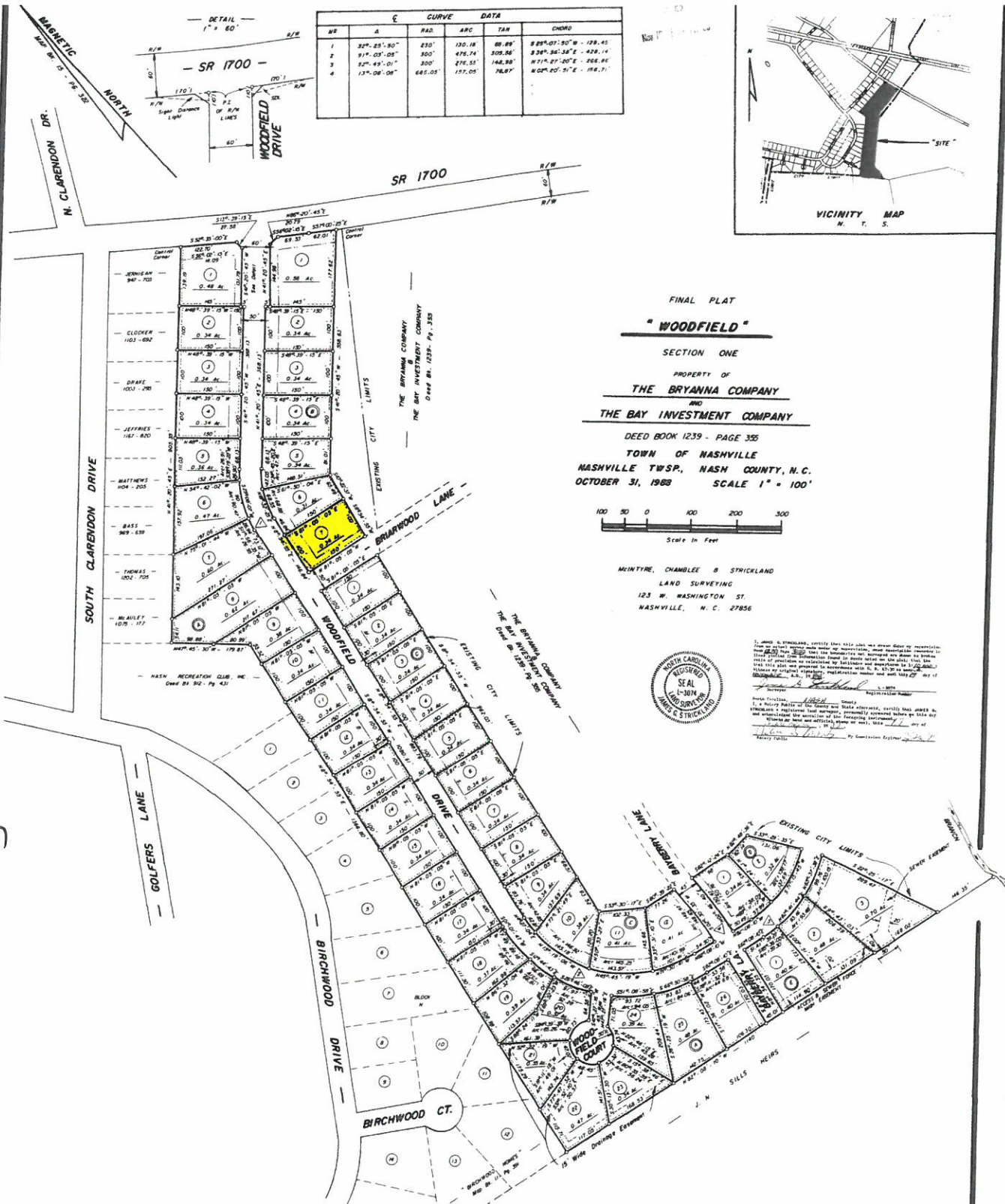
Printed Name(s): Anquan Bullock

Signature(s): Anquan Bullock

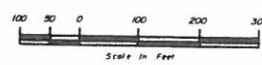
Mailing Address(s): 113 Woodfield drive
Nashville, NC 27856

Phone number(s): 252-567-8401

Su-2021-01 Map of Property Boundaries



FINAL PLAT
"WOODFIELD"
 SECTION ONE
 PROPERTY OF
THE BRYANNA COMPANY
 AND
THE BAY INVESTMENT COMPANY
 DEED BOOK 1239 - PAGE 335
 TOWN OF NASHVILLE
 NASHVILLE TWP, NASH COUNTY, N.C.
 OCTOBER 31, 1988 SCALE 1" = 100'



MINTYRE, CHAMBLEE & STRICKLAND
 LAND SURVEYING
 123 W. WASHINGTON ST.
 NASHVILLE, N. C. 27856



I, James H. Strickland, certify that this plat was drawn under my supervision...
 I, Minkyre, Chamblee & Strickland, certify that this plat was drawn under my supervision...
 I, [Name], certify that this plat was drawn under my supervision...

Know all men by these presents, that I hereby certify that on this, the 17th day of November, 1988, all required improvements have been installed in this subdivision in an approved manner or that the subdivision has entered into an approved contract and is in compliance with the Town of Nashville for installation and guaranteeing that all required improvements in this subdivision will be completed on or before the 17th day of June, 1990.
 [Signature] Town Manager

Certification by the Town of Nashville that this Plat conforms to the construction plat approved by the Town Council on 11/17/88, and meets all standards of the Town's Subdivision Regulation Ordinance. In addition, this Plat was approved by the Planning Board on November 17th, 1988.
 [Signature] Town Manager

I hereby certify that streets as depicted hereon are consistent with the Minimum Design Standards as imposed by Article IV of the Nashville Subdivision Ordinance. All streets and other public rights-of-way are to be maintained by the Town of Nashville and this certificate does not impose any liability for maintenance on the State of North Carolina.
 [Signature] District Engineer

Know all men by these presents, that I (or we) hereby certify that I (or us), (as or are) owner(s) or lessor holder(s) of the land shown on this plat, having acquired title thereto by deed(s) recorded in the Nash County Registry and that I (or us) hereby dedicate, unless otherwise noted herein, to Public use (streets, parks, playgrounds, open spaces, and/or easements) forever all areas so shown or indicated on this plat.
 Know all men present, that I (or we) hereby certify that the subdivision or a portion thereof is within the Planning Jurisdiction of the Town of Nashville or serviced by the Town of Nashville's water and/or sewer utility lines.
 If cooperation, include name of cooperation, list of corporate officers, declaration by corporate secretary, and corporate seal.
 Subscribed and sworn to before me this 17th day of November, 1988.
 [Signature] Notary Public
 [Signature] The Bay Investment Company
 [Signature] The Bryanna Company

- NOTES
- TOTAL OF 50 LOTS IN SECTION ONE.
 - MINIMUM REQUIRED LOT SIZE - 10,000 SQ. FT. (0.23 AC).
 - MINIMUM BUILDING SETBACK LINES - FRONT 30', SIDE 12', REAR 30', SIDE ON CORNER STREETS 15'.
 - 5' WIDE DRAINAGE AND UTILITY EASEMENT ALONG AND ADJACENT TO PROPERTY LINES.
 - IRON STAKES AT ALL CORNERS.
 - PROPERTY ZONED R-10.
 - 10' x 70' SIGHT TRIANGLE AT STREET INTERSECTIONS.
 - 25' RADIUS AT P.L. OF STREET INTERSECTIONS.
 - STREET LIGHTS AS REQUIRED BY THE TOWN OF NASHVILLE.
 - UNDERGROUND ELECTRICITY, CABLE TV AND PHONE CABLES.
 - 60' RIGHT OF WAY AT ENTRANCE AND 50' x 45' RIGHT OF WAY FOR INTERIOR STREETS.
 - SPECIAL ATTENTION SHOULD BE TAKEN ON THE FINAL LANDSCAPING OF LOTS 21, 22, & 23 BLOCK A TO ASSURE PROPER SURFACE WATER DRAINAGE.

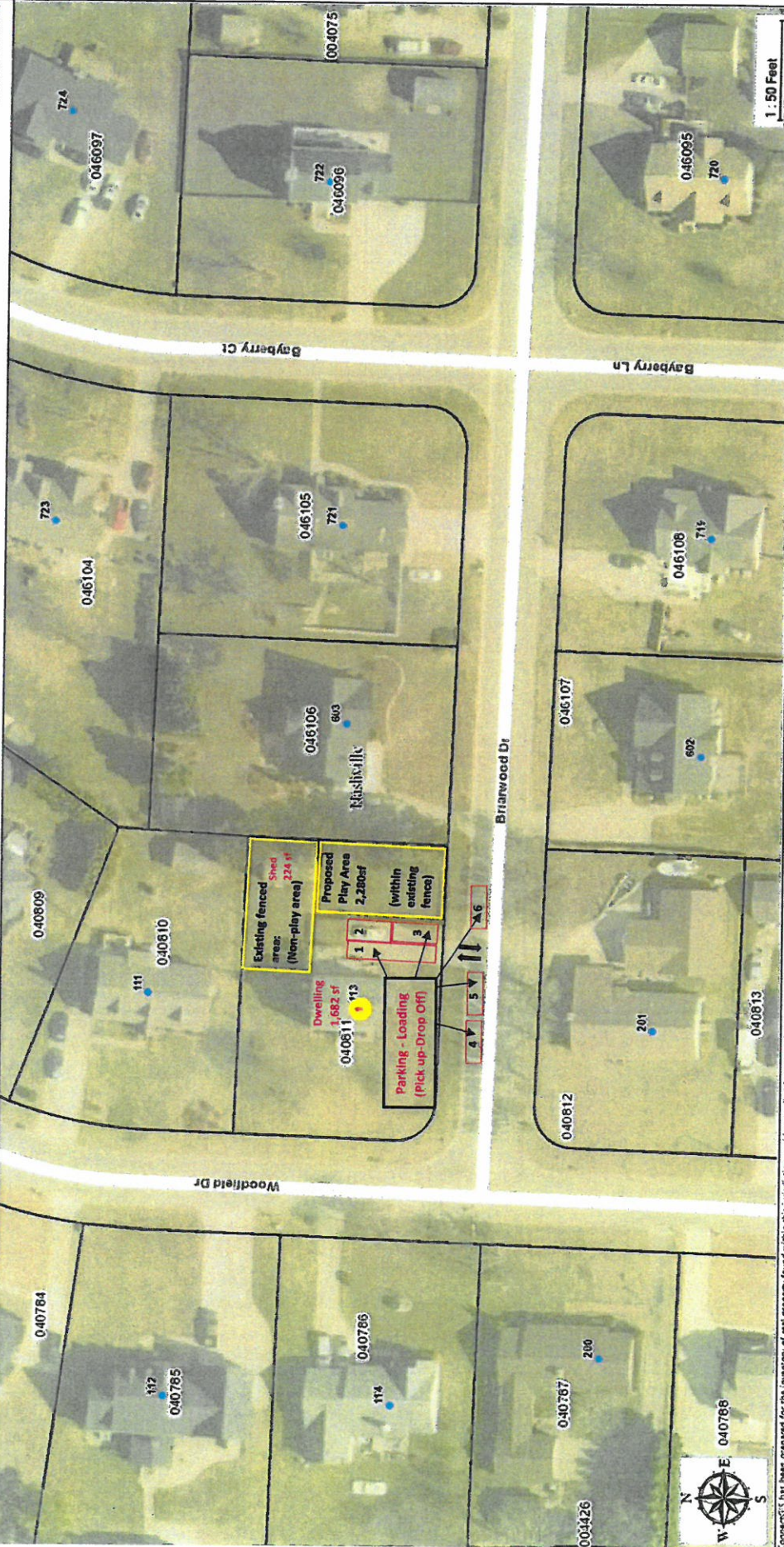
NOTARY PUBLIC - NORTH CAROLINA
 My Commission Expires: [Date]
 [Signature] Notary Public

113 Woodfield Drive - Adjacent Property Owners - SU 2021-01

PARID	Tax ID # (Parcel)	Name	Mailing Address	City State Zip
040810	3810 10 26 6965	TIMOTHY R & ANNETTE JONES SR	111 WOODFIELD DR	Nashville NC 27856
046106	3810 10 26 7866	KEITH ANDERSON & WILLIAM TEIKISHA	603 BRIARWOOD DR	Nashville NC 27856
046105	3810 10 26 8887	KIM JOHNSON & DA X DUONG & TRANG THI L	721 BAYBERRY CT	Nashville NC 27856
040809	3810 10 27 6094	DOROTHY LEONARD	1788 BLUE HERON DR	Nashville NC 27856
040808	3810 10 27 7151	DORIS O BARDOWELL	107 WOODFIELD DR	Nashville NC 27856
040783	3810 10 27 5134	JEFFREY & TRACY SHERROD	108 WOODFIELD DR	Nashville NC 27856
040784	3810 09 27 4065	CHESTER & JULIA BISSETTE	110 WOODFIELD DR	Nashville NC 27856
040785	3810 09 26 4914	BERNARD & DORA COLLIER	112 WOODFIELD DR	Nashville NC 27856
040786	3810 09 26 4804	DAVID & JOSIE GREEN	114 WOODFIELD DR	Nashville NC 27856
040787	3810 09 26 4753	JOE & ERNESTINE STEPHENSON	200 WOODFIELD DR	Nashville NC 27856
040788	3810 09 26 4643	RASHAUN & CONSTANCE MCMILLAN	202 WOODFIELD DR	Nashville NC 27856
040812	3810 10 26 6750	TIMOTHY GLOVER	201 WOODFIELD DR	Nashville NC 27856
040813	3810 10 26 6640	JAMES & STEPHANIE WEST, JR	203 WOODFIELD DR	Nashville NC 27856
046107	3810 10 26 7666	ROSSIE & JACQUELINE PITMAN, JR	602 BRIARWOOD DR	Nashville NC 27856
046108	3810 10 26 8676	MARCUS WHITAKER	719 BAYBERRY LN	Nashville NC 27856



Nash County
 Printed January 15, 2021
 See Below for Disclaimer

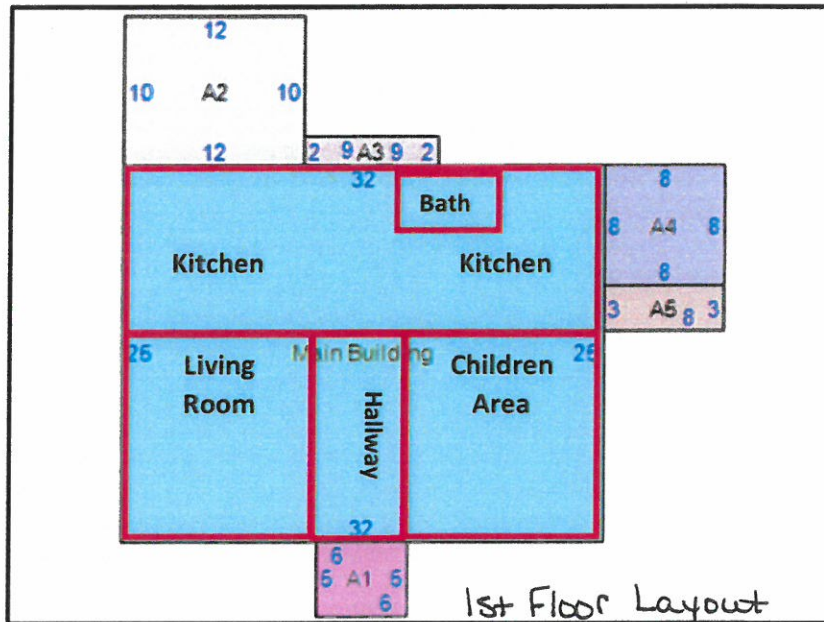


CONNECTIGIS has been created for the inventory of real property, found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this system are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained in this system. Nash County Withers & Ravenel, CONNECTIGIS and other mapping companies assume no legal responsibility for the information contained in this system. GIS data is based on the North Carolina state plane coordinate system, 1983 North American Datum (NAD83).

SU 2021-01 Dwelling Layout

PARID: 040811
 CITYNAME: Nashville TOWNSHIP: Nashville
 BULLOCK ANQUAN TEQUILLA & TIMOTHY

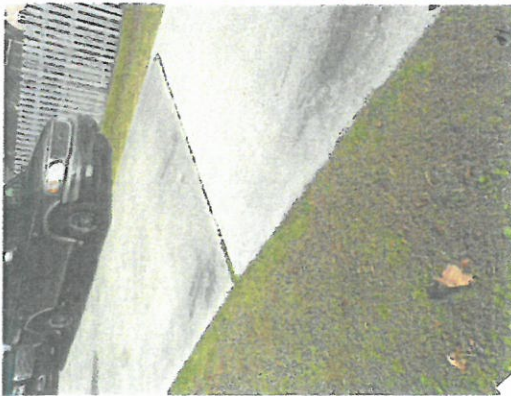
TAX DISTRICT: NA00
 FIRE DISTRICT: 0



Options

Type	Line #	Item	Area
Dwelling	0	Main Building	800
Dwelling	1	A1 - 85: OPEN PORCH	30
Dwelling	2	A2 - 93: DECK	120
Dwelling	3	A3 - 01: 1S FRAME ADD	18
Dwelling	4	A4 - 01: 1S FRAME ADD	64
Dwelling	5	A5 - 85: OPEN PORCH	24
Outbuilding	1	1s FR - 15: 1s FR	792
Outbuilding	2	SHED - 7: Shed	224
Outbuilding	3	1s FR - 18: 1s FR	1,365

SU 2021 – 01
Photos of Proposed Site



Picture #1

- Parents can park their cars to run in and out in the double driveway to sign children in/out each day.
- 1st parent can park on the left or right side of the double driveway. And the second parent will be able to park on the opposite side.
- It will be very safe for either vehicle to back out of the parking space without causing an accident.



Picture #2

- Shows the side of the driveway. If more than two cars are in the driveway, parent will be able to park on the side of the street.
- Parent will still be able to travel back out safely without causing an accident.
- The house falls in front of a stop sign. Traffic will not be able to move too fast going north or south of the resident.
- There is also a sign posted at the corner as well, reminding traffic that children are playing in these areas.



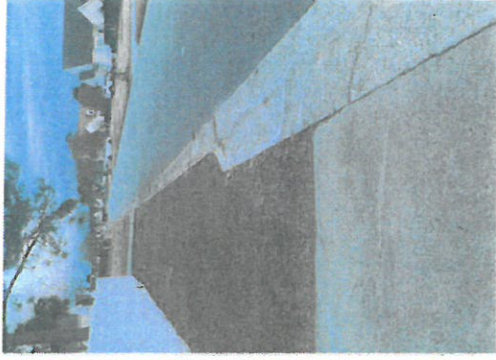
Picture #3

- Parents will walk up from the driveway and enter residence through the side door.
- Side door has four brick steps and a handrail to the right side of you while walking up. And to the left of you, if you are walking down, leaving the residence.



Picture #4

- Shows the 5-foot fencing around the residence.
- There are two ways out the fence, but are also locked, and can be unlocked from the inside or outside of fence.
- The lock on the fence is high enough, where a child will not be able to unlock it themselves.
- There is enough room in the fenced area where children can be able to play safely.



Picture #5

- View of 5-foot fencing off Woodfield Drive.

Vicinity Map – SU 2021-01

Petitioned Property – 113 Woodfield Drive (PARID-040811 / PIN-3810 10 26 6864)

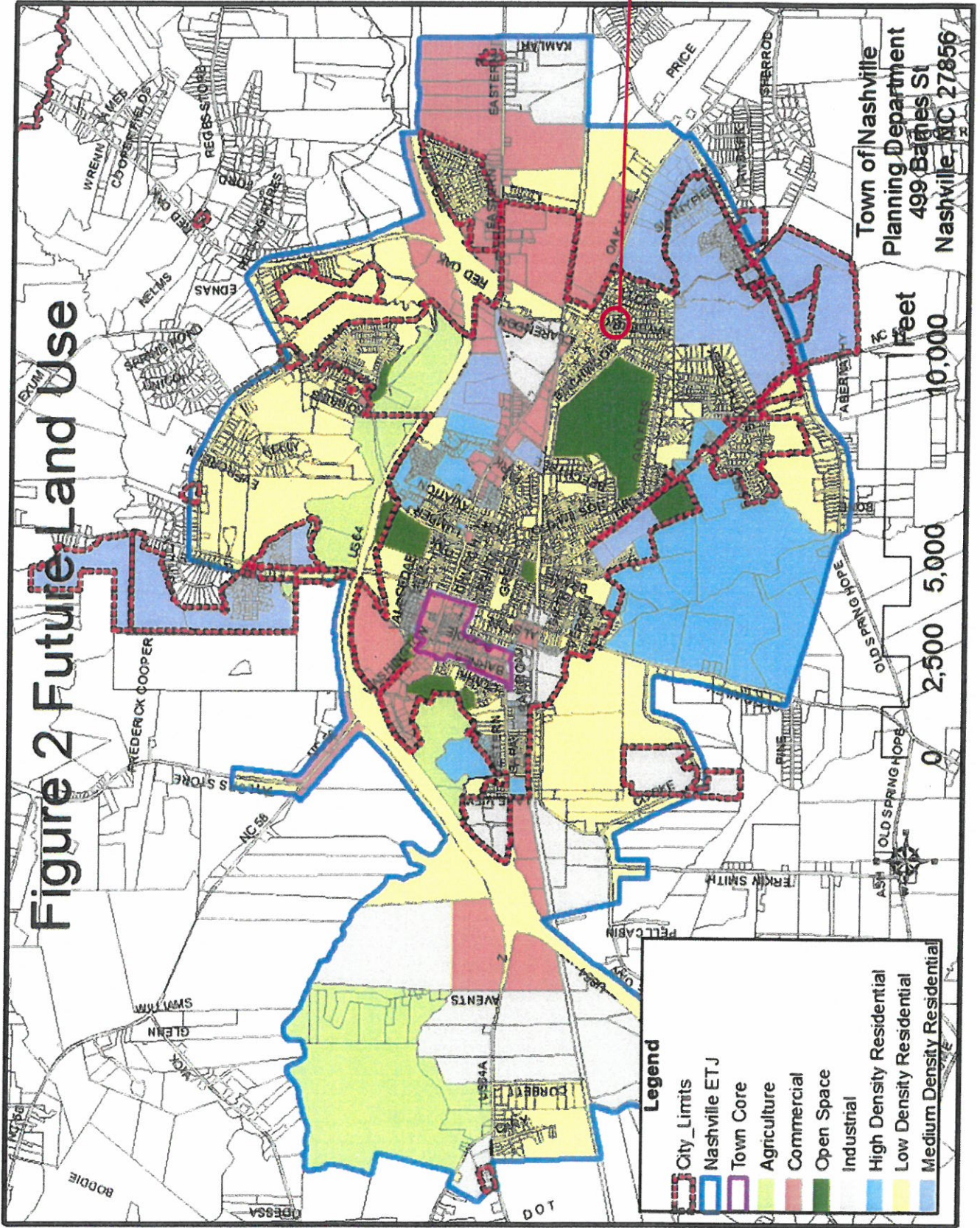


Zoning Map SU 2021-01

Petitioned Property – 113 Woodfield Drive (PARID-040811 / PIN-3810 10 26 6864)



Figure 2 Future Land Use



Sec. 18-113. - Table of permitted uses.

In the following table:

- (1) Districts in which particular uses are permitted as a use by right are indicated by "X." Districts in which particular uses are permitted as a use by right with certain conditions are indicated by "X" with a reference to a footnote to this table.
- (2) Districts in which particular uses are prohibited are indicated by a blank.
- (3) Districts in which particular uses are permitted as a special use upon approval of the planning board are indicated by "S." See regulations for special uses, [section 18-115](#), for further information.

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Correctional and penal institutions, and jails	S								S		S	S	
Curio and souvenir sales										X	X		
Day care facility	S	S	S	S	S	S	S	S	S	X	S		
Delicatessen operation										X	X		
Dish antenna (or earth station)	X	X	X	X	X	X	X	X	X	X	X		See note 12
Drive-in restaurants										X	X	X	
Drive-in theaters										S		X	
Dwellings, one-family detached	X	X	X	X	X	X	X	X	X				
Dwellings, two-family	S			S	S	S		X					
Dwellings, three-family				S			X	P					
Dwellings, multifamily (other than townhouses, condominiums, and PUDs), one building per lot								X	X		S		
Dwellings, multifamily (other than townhouses, condominiums, and PUDs) more than one building per lot								S					
Dwellings, planned unit development (PUD)	S	S	S	S	S	S	S	S	S				
Dwelling, single-family semi-detached	X	X	X	X		X	X						

(a) *Objectives and purposes.*

- (1) Permitting special uses adds flexibility to this article. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.
- (2) The uses for which special use permits are required are listed in the chart accompanying this section, along with a detailed description of the procedures which must be followed in the issuance of each such permit. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

(b) *Special use permits granted by the town council.*

- (1) Special use permits may be granted by the town council upon recommendation of the planning board for the uses enumerated in the regulations for special uses.
- (2)
 - a. The owner of all the property included in the petition for a special use permit shall submit an application to the zoning administrator at least three weeks prior to the regular monthly planning board meeting at which it is to be heard. Such application shall include all the requirements pertaining to it in this section. Where plans are required to be submitted and approved as part of the application for a special use permit involving property located within the watershed overlay district, the site plan shall show the boundary of the public water supply watershed (if applicable), the location and width of buffer areas, the total amount of existing and proposed built-upon area (in square feet), the percentage of the site that is covered with an impervious surface, and proposed stormwater or drainage facilities.
 - b. On receiving the application, the town clerk shall give notice of a public hearing in the manner as is required for the hearing on an amendment to this article. At the public hearing, all interested persons shall be permitted to testify.
- (3) The special use permit, if granted, shall include approval of plans as may be required. In granting the permit, the planning board and the town council shall find that the:
 - a. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - b. Use meets all required conditions and specifications;
 - c. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - d. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town.
- (4) In granting the special use permit, the planning board may recommend and the town council may designate additional conditions to ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this article and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the

special use permit is granted, on the special use permit certificate itself, and on the approved plans submitted with the permit. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and permit assigns.

- (5) a. If the town council disapproves of the special use permit, the council shall enter the reason for its action in the minutes of the meeting at which the action is taken.
 - b. No appeal may be taken to the board of adjustment in granting or denying a special use permit. Any such action by the town council shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewed only in the same manner as action on a proposed amendment.
- (6) In addition to the conditions specifically imposed in this subsection (b) and such further conditions as the town council may deem reasonable and appropriate, special uses shall comply with the height, area and parking regulations for the zone district in which they are located. All special uses other than manufactured home parks, condominiums, townhouses, planned unit developments, and commercial planned unit developments shall comply with yard regulations for the zone district where they are located. No structure in any manufactured home park or planned unit development, either commercial or residential, shall be located closer to any external property line of the tract on which it is situated than 25 feet, nor closer to any street right-of-way line than the distance specified as a front yard requirement for the zone district in which it is located.
- (7) In the event of failure to comply with the plans approved by the town council, or with any other conditions imposed upon the special use permit, or failure to obtain a building permit within two years, the permit shall immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this article; however, the town council shall not be prevented from thereafter rezoning such property for its most appropriate use.
- (8) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the town council.
- (9) Only a simple majority vote by the planning board is required for an affirmative recommendation of a special use permit. Vacant seats and disqualified members are not counted in computing majority.
- (10) Only a simple majority vote by the town council is required for approval of special use permits. Vacant seats and disqualified members are not counted in computing majority.

(c) *Regulations for special use permits.* Detailed regulations for the special uses subject to this section are set forth in section 18-115, regulations for special uses, and the notes related to those provisions.

(Ord. of 1-5-1993, art. V, § 3; Ord. No. 2006-01, § C))

Section 18-115

2. Commercial condominiums: O-I, B-1, B-2 and I-1.

c. Plans and declaration: Before a declaration establishing a unit ownership development may be recorded in the office of the county register of deeds as prescribed in the state unit ownership act (G.S. 47A-1 et seq.), the declaration and plan shall be approved by the planning board. No unit shall be conveyed until the declaration and plan have been approved by the town council and recorded in the office of the county register of deeds. In addition, the following requirements shall be complied with:

1. The declaration shall be a complete legal document prepared strictly in accordance with the state unit ownership act and shall be submitted in five copies to the planning department at least three weeks prior to a regular scheduled planning board meeting along with a plan drawing described in subsection (8)c.2.
2. The plan of the proposed development shall be prepared and shall contain the following particulars:
 - i. The unit designation of each unit and a statement of its location, approximate area, number of rooms and immediate common areas and any other data necessary for its proper identification.
 - ii. Description of the general common areas and facilities as defined in the state unit ownership act and the proportionate interest of each unit owner therein.
 - iii. Description of all boundary lines between portions of the structures designed for different ownership.
 - iv. Description of all garages, balconies, patios, etc., which form a part of each unit.
 - v. Description of any special common areas and facilities, stating what units shall share such common areas and facilities and in what proportion.
 - vi. Statement of the purpose for which the building and each of the units are intended and restricted as to use.
 - vii. Description of signing and parking areas.
 - viii. Description and heights of all fences, walls and hedges.
 - ix. Description and location of solid waste storage facilities.
 - x. Description of all structures and zoning within 300 feet of the property.

Because a final plan may not be possible until an engineering survey has been made of the constructed condominium, the town council may permit the applicant to build under the special use permit, providing items other than final engineering survey data of boundary line have been provided by the applicant and approved by the council. No declaration and plan shall be recorded until all final boundary descriptions have been added to the plan and approved by the zoning administrator.

(11) *Correctional and penal institutions, and jails.*

- a. Approved by: Town council.
- b. Special use districts: O-I, B-2, I-1 and A-1.
- c. Minimum lot area: None.
- d. Screening and fencing: A screen not less than six feet high of dense plant material where lot abuts a residential lot.
- e. State approved: Plans for the facility must be approved by appropriate state departments prior to receiving approval from the town council. Plans used for securing state agency approval plus any additional information deemed necessary by the town council shall be submitted by the applicant.

(12) *Day care facility.*

- a. Approved by: Town council.
- b. Special use districts: A-1, R-30, R-10, R-6M, R-6, MF, O-I and B-2.

- c. Minimum lot area: As prescribed by state regulations.
- d. Parking and loading: One space for each regular employee and one additional space for every six children or adult clients or fraction thereof.
- e. Screening and fencing: Play space shall be enclosed by a fence at least three feet high.
- f. Plans required must show:
 - 1. Structure: Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
 - 2. Circulation: Proposed points of access and egress and pattern of internal circulation.
 - 3. Parking and loading: Layout of parking spaces.
 - 4. Other details: Location and extent of open play area.
 - 5. Other requirements: In residential districts, the preschool shall not be operated between the hours of 7:00 p.m. and 6:00 a.m. In residential districts, the day care center shall be limited to a maximum of 25 children.

Where the outdoor play area is directly adjacent to a residentially used or zoned lot, a solid fence or wall at least four feet high and a green planting designed to grow at least three feet thick and six feet high shall be erected.

(13) *Drive-in theaters.*

- a. Approved by: Town council.
- b. Special use districts: B-1.
- c. Minimum lot area: At least five acres in area.
- d. Plans required must show:
 - 1. Topography: Topography of the site at contour intervals not greater than five feet.
 - 2. Structures: Location and approximate size of all existing and proposed structures within the site, including children's recreation areas and other accessory features, and the location and approximate size of all buildings within 1,000 feet adjacent thereto.
 - 3. Circulation: Proposed points of access and egress together with the proposed pattern of internal circulation.
 - 4. Other details: An area capable of storing at least one-third as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.
- e. Other requirements:
 - 1. Projection screens, if located less than 1,000 feet from a major thoroughfare, shall face away from the major thoroughfare.
 - 2. Drive-in theaters shall be located within 500 feet of a major thoroughfare and shall have a direct access thereto.
 - 3. The area shall be enclosed by a solid fence not less than six feet high.

(14) *Dwellings for caretaker or domestic employee and immediate family on premises where employed.*

- a. Approved by: Town council.
- b. Special use districts: A-1, R-30, R-10, R-6M, R-6, MF and O-I.
- c. Minimum lot area: Same as district where located.
- d. Parking and loading: One space, in addition to the two spaces required for the main single-family dwelling unit.



TOWN OF NASHVILLE

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Town Council AGENDA REPORT

MEETING DATE:	January 27, 2021
PREPARED BY:	Sherry N. Moss, Planning & Development Director Randy Lansing, Town Manager
ISSUE CONSIDERED:	Amending Chapter 18 – “Land Use Regulations” in the Code of Ordinances for the Town of Nashville: Section 18-114, Section 18-115, Section 18-244(2), Section 18-248, Section 18-249, Section 18-250, and Section 18-251.
SUMMARY OF ISSUE:	<p>As the Town is currently undergoing a recodification update with Municode, there are several sections of Chapter 18 “Land Use Regulations” that are listed below for the Council’s consideration. If approved, these amendments will be added to the recodification update to be inserted into the Town’s Code.</p> <ul style="list-style-type: none"> • Section 1: Renumber Sections: Section 18-114 “Special Uses” and Section 18-115 “Regulations for Special Uses” renumbered to Section 18-115 and Section 18-116 respectively; and Reserve Sections 18-116-18-135 renumbered to Reserve Sections 18-117 – 18-135. • Section 2: New Section: Add New Section 18-114 “Minimum Lot Sizes, Yard Regulations, Maximum Heights, and Buildable Area”. • Section 3: Amended Sections: <ul style="list-style-type: none"> ○ <u>18-115(b)(1)</u> – removing “upon recommendation of the Planning Board” ○ <u>18-115(b)(2)a</u> – removing “the regular monthly Planning Board” and replacing with “an upcoming Town Council” ○ <u>18-115(b)(3)</u> – removing “Planning Board and the” ○ <u>18-115(b)(4)</u> – removing “the Planning Board may recommend and” • Section 4: Amended Section: Section 18-244(2)b – remove “abutting” and replace with “within 200 feet of” • Section 5: Renumbered Divisions: Renumber Division 10 “Board of Adjustment” and Division 11 “Flood Damage Prevention Ordinance” to Division 11 and 12 respectively. • Section 6: New Division: New Division 10 “Planning Board” to be added, and to include Sections 18-248; 18-249, 18-250; and 18-251. • Section 7 • Section 8
STAFF RECOMMENDATION:	Staff does not make recommendation until after the public hearing.
ATTACHMENT(S):	OA 2021-2 Draft
REVIEWED BY TOWN MANAGER:	

ORDINANCE 2021-2

AN ORDINANCE AMENDING CHAPTER 18 “LAND USE REGULATIONS” IN
THE CODE OF ORDINANCES FOR THE TOWN OF NASHVILLE

BE IT ENACTED by the Town Council of the Town of Nashville, Nash County, North Carolina as follows:

SECTION 1. Renumber Sections. That Section 18-114 “Special Uses” and Section 18-115 “Regulations for Special Uses” of Chapter 18 of the Code of Ordinances of the Town of Nashville are hereby renumbered to Section 18-115 and Section 18-116 respectively; and Reserve Sections 18-116 – 18-135 of the Code of Ordinances of the Town of Nashville are hereby renumbered to Reserve Sections 18-117 – 18-135.

SECTION 2. New Section. That a new Section 18-114 “Minimum Lot Sizes, Yard Regulations, Maximum Heights, & Buildable Area” is hereby added to Chapter 18 of the Code of Ordinances of the Town of Nashville and which shall read as follows:

Sec. 18-114 Minimum Lot Sizes, Yard Regulation, Maximum Heights, & Buildable Area:

Zoning District	Minimum Lot Size		Minimum Yard Regulations				Maximum Height of Structure	Buildable Area
	Area In Sq. Ft.	Lot Width	Front Yard Setback	Side Yard Setback	Side Street Setback	Rear Yard Depth		
A-1 Agricultural	30,000 w/o Town water & sewer	100'	50'	15'		40'	35'	
	20,000 w/ Town water	100'	50'	15'		40'	35'	
	15,000 w/ Town sewer	100'	50'	15'		40'	35'	
R-30 Residential	30,000	100'	30'	15'		30'	35'	
R-15 Residential	15,000	100'	35'	15'		25'	35'	
R-10 Residential								
Single Unit	10,000	75'	30'	12'		30'	35'	37%
Double Unit	12,000	80'	30'	12'		30'	35'	37%
R-6M Mobile Home			Refer to Manufactured Home Parks Special Use Section					
Residential	4,000	40'					35'	
Mfg. Unit	6,000	50'					35'	
R-6 Residential								
Single Unit	6,000	60'	25'	8'		20'	35'	40%
Double Unit	8,000	80'	25'	8'		20'	35'	40%
R-4 Residential								

	Single Unit	4,000	40'	15'	6'	7.5'	10'	35'	52%
	Double Unit	6,000	40'	15'	6'	7.5'	10'	35'	52%
MF	Multi-Family								
	Single Unit	6,000	60'	25'	8'		20'	35'	
	Double Unit	7,000	60'	25'	8'		20'	35'	
	Multi-Units	8,000 for 1st 2- units, 2,500 for ea. add. unit	60'	25'	8'		20'	56'	
O-I	Office & Institutional	4,000	40'	25'	10'	12.5'	10'	56'	
	Residential	4,000	40'	25'	10'		20'	56'	
B-1	Highway Business	4,000	40'	25'	10'	12.5'	10'	35'	
B-2	Central Business	4,000	40'	10'	0' if B-2, 8' if another zone		10'	56'	
I-1	Industrial	4,000	40'	25'	10'	12.5'	10'	56'	

SECTION 3. Amended Section. That following subsections of Section 115 “Special Uses” of Chapter of the Code of Ordinances of the Town of Nashville are hereby amended as follows:

Sec. 18-115(b)(1) Special use permits may be granted by the Town Council ~~upon recommendation of the Planning Board~~ for the uses enumerated in the regulations for special uses.

Sec. 18-115(b)(2)a The owner of all property included in the petition for a special use permit shall submit an application to the zoning administrator at least three (3) weeks prior to ~~the regular monthly Planning Board~~ **an upcoming Town Council** meeting at which it shall be heard.

Sec. 18-115(b)(3) The special use permit, if granted, shall include approval of plans as may be required. In granting the permit, ~~the Planning Board and the~~ Town Council shall find that the:

Sec, 18-115(b)(4) In granting the special use permit, ~~the Planning Board may recommend and the~~ Town Council may designate additional conditions to ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this article and clearly in keeping with the public welfare.

SECTION 4. Amended Section. That Section 18-244(2)b of Chapter 18 the Code of Ordinances of the Town of Nashville is hereby amended as follows:

Sec. 18-244(2)b Notice of public hearing shall be published in the newspaper of general circulation in the Town at least once each week for two successive weeks prior to the hearing. Notice must also be made by sending notices by first class mail to the owners of all parcels of land ~~abutting~~ **within 200-feet of** the parcel considered for rezoning as shown on the county tax listing.

SECTION 5. Renumbered Divisions. That Division 10 “Board of Adjustment” and Division 11 “Flood Damage Prevention Ordinance” are hereby renumbered to Division 11 and 12 respectively.

SECTION 6. New Division. That a new Division 10 “Planning Board” is hereby added to Chapter 18 of the Code of Ordinances of the Town of Nashville which shall read as follows:

DIVISION 10. PLANNING BOARD

Sec. 18-248. Planning Board Appointments and Terms.

(a) There shall be a Planning Board consisting of seven (7) members. Six (6) members, who reside in town limits, shall be appointed by the Town Council. One (1) member, who resides in the town’s extraterritorial jurisdiction area, shall be appointed by the County Board of Commissioners. If the County Board fails to make this appointment within ninety (90) days after receiving a written request from the Town Council, the Council shall make the appointment.

(b) Planning Board members shall be appointed for four-year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies shall be filled by appointment of the respective appointing authority for the unexpired terms only. Members shall be eligible for reappointment.

(c) Planning Board members may be removed by the Council at any time for failure to attend three (3) consecutive meetings or for failure to attend thirty (30) percent or more of the meetings within any twelve-month period or for any other good cause related to performance of duties.

(d) If an in-town member moves outside Town, or if an extraterritorial area member moves outside the planning jurisdiction, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the appointment authority.

Sec 18-249. Planning Board Meetings.

(a) Regular meetings of the Planning Board shall be held in Town Council Chambers at 6:00 PM on the Wednesday before the first Tuesday of each month. At such meetings the Board shall consider all matters properly brought before the Board. A regular meeting may be cancelled or rescheduled by the Board at a prior meeting. All Planning Board meetings shall be open to the public.

(b) The Planning Board shall hold an annual meeting in January. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Board.

(c) Special meetings of the Planning Board may be held at a time and place designated by the Chairman or Vice-chairman. Written notice shall be given to all members not less than twenty-four hours in advance thereof.

(d) At any meeting of the Planning Board a quorum shall consist of four members of the Board. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

(e) At all meetings of the Planning Board, each attending member has a duty to cast a vote on all business before the Board unless that Board member is disqualified by a conflict of interest. Although

the Chairman has the power to vote, he/she may only exercise it when the Board has a tie vote. The extraterritorial planning area member may vote on all matters considered by the Board regardless of whether the property affected lies within or without the Town.

(f) The officers of the Planning Board shall consist of a Chairman and a Vice-Chairman elected by the Board at the annual meeting for a term of one year. The Planning Director, or his/her designated representative, shall serve as Secretary to the Board. The Secretary is not a member of the Planning Board, is not counted for determining a quorum, and does not vote.

Sec. 18-250. Planning Board Officers and Duties.

(a) The Chairman shall preside over all meetings of the Board and shall decide all points of order and procedure, subject to the Board's by-laws and rules of procedure. The Chairman shall appoint any committees found necessary to investigate any matters before the Board. The Chairman may call special meetings of the Board.

(b) The Vice Chairman shall serve as acting Chairman in the absence or disqualification of the Chairman, and at such times, shall have the same power and duties as the Chairman.

(c) The Secretary shall take and keep the minutes of all meetings of the Board in an appropriate minute book, give and serve all notices required by law and/or this Land Use Ordinance, prepare the agenda for all meetings of the Board, inform the Board of correspondence relating to business of the Board and to attend to such correspondence, handle funds allocated to the Board in accordance with its directives and the law, and sign official documents of the Board.

Sec. 18-251. Duties of the Planning Board.

(a) The Planning Board shall review and make a written recommendation to the Town Council on all zoning requests and amendments to Chapter 18 "Land Use Regulations". Said recommendations shall include a plan consistency statement on whether the request or amendment is consistent with the Town's Comprehensive Plan. In developing the plan consistency statement, the Planning Board shall deliberate on the following:

1. Is the proposal in accord with the Land Use Plan and sound planning principles.
2. Is there is convincing demonstration that all uses permitted under the proposed district classification or proposed text amendment would be in the general public interest and not merely in the interest of an individual or small group.
3. Is there is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
4. Is there is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

(b) The Planning Board shall also perform the following duties:

1. Prepare, review, maintain, monitor, and periodically update and recommend to the Town Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
2. Facilitate and coordinate citizen engagement and participation in the planning process.
3. Develop and recommend polices, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
4. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.

SECTION 7. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED this 2nd day of February 2021.

Brenda Brown, Mayor

Attest:

Sarah Tinkham, Town Clerk