

**TOWN OF TRYON
BOARD OF COMMISSIONERS
SPECIAL MEETING-PUBLIC HEARING
APRIL 2, 2019 9:00 A.M.
TRYON TOWN HALL - MCCOWN ROOM**

Present: Mayor J. Alan Peoples Mayor Pro Tem: Bill Ingham
Commissioners: Crys Armbrust, Bill Crowell, Chrelle Booker

Staff Present: Town Manager Zach Ollis Town Clerk Susan Bell
 Town Attorney William Morgan Planning Director Tim Daniels

Proposed Moratorium Ordinance Attached

CALL TO ORDER

Mayor Peoples called the Special Meeting to conduct a public hearing on the proposed moratorium ordinance to order.

Town Attorney Morgan went through the proposed moratorium ordinance. He stated that he had modeled the ordinance after others that he had done before. This tracks the statutory requirements for development of a moratorium that are set out in 160A-381(e). As you go through it you will see how it matches up. You have to give reason while it may be a temporary hold on certain types of development, while the ordinance is studied. The Board of Commissioners have concerns that uses are allowed in residential zones, may nonetheless establish additional parking lots on adjacent property and such use may not be suitable to such location and long established neighborhoods. As he understands it is a concern that would justify the moratorium. It's only a sixty day moratorium. Anything over that requires more notice requirements. He feels this can be done in sixty days. He has drafted an amendment to be considered. The draft will go before the Planning Board on April 11, 2019. You have to say what is going to happen during the moratorium. The Board has to list other alternatives that has been considered. He has listed other alternatives such as:

- (1) doing nothing and continuing to process future applications based on current zoning regulations which are silent or ambiguous as to the aspects of parking identified herein; and (2) undertaking the study described herein in the absence of a moratorium and thereby running a risk of the proliferation of parking lots in established residential neighborhoods.

There is no current pending applications, so that will not affect anything that we know is about to be proposed or has been proposed. Armbrust asked in your e-mail you queried Mr. Daniels about a potential pending request. Mr. Daniels stated there has been inquiries, but no permits have been submitted or applications. Armbrust asked where the inquiry was geographically. Mr. Daniels stated Melrose Inn property. Morgan said there was one more at a church property, but it's not residentially zoned property. Mr. Daniels stated it was for a number of parking spaces. There is a building on it. It was a slightly different situation on that one. Ollis stated the Catholic Church where they took the trees down. They were going to build a parking lot and built a park instead. Daniels stated they haven't submitted anything, but the churches contractor approached him. He doesn't want to do anything wrong.

Morgan stated we have been going through the moratorium and how it tracks the requirements for enacting the moratorium. He feels sixty days is enough time to consider the parking provisions into the zoning ordinance. Considering potential amendments to clarify where and when non-residential uses can establish parking in residential areas. He also listed some other issues with parking. It's a little vague on combined and shared parking. He would like to take the opportunity to not do just a fix to having commercial parking lots in residential areas, but look at the whole

thing. One of the statutory requirements is having the specific timeline. He has tried to address with a plan of action to address the aforementioned issues as follows:

- (1) April 2, 2019 – hold public hearing and adopt moratorium ordinance
- (2) April 2 – April 30, 2019 – staff develop proposed Zoning Ordinance Amendments in keeping with this ordinance
- (3) April 11, 2019 – Planning Board to review proposed Zoning Ordinance Amendments at its regularly scheduled meeting and possibly make its official recommendation to the Town Board
(Morgan stated that the opportunity is that they might meet and make a recommendation at this meeting)
- (4) April 16, 2019 – Town Board to review progress of work and possible proposed Amendments, give staff direction as to revisions and possibly set public hearing date
(This hearing is required for making amendments to your zoning ordinance.)
- (5) Late April, 2019 – Planning Board to hold special meeting(s) if needed to further review amendments and offer official recommendation to Town Board
- (6) Early May, 2019 – Advertise public hearing to consider proposed zoning ordinance amendments
- (7) May 21, 2019 – Probable date of public hearing and adoption of Zoning Ordinance Amendments.

This is well inside the sixty days, but also gives some leave way and if you run into something, then we could make some changes.

The next two whereas, on page 2 is what has been shared with you. All zoning ordinances require boards to make/adopt a plan consistency statement as well as a statement that the proposed ordinance is reasonable and in the public interest. It's unclear to him and the case law is not clear as whether a moratorium ordinance needs to contain those two statements. It occurred to him that he needed to include both statements in case someone challenges this. The rest is what is being ordained. Sixty day moratorium on applications, approvals, anything doing with proposed parking lots in residentially zoned districts. It's pretty straight forward.

Mayor Peoples asked if there are any further questions on the proposed moratorium presented by our attorney. Being none he entertained a motion to adopt. Commissioner Armbrust so moved. Commissioner Crowell seconded. The motion carried unanimously.

ADJOURN

Mayor Peoples entertained a motion to adjourn. Commissioner Ingham so moved. The motion carried unanimously.

Alan Peoples, Mayor

ATTEST:

Susan Bell, Town Clerk

AN ORDINANCE OF THE TOWN OF TRYON
PROVIDING FOR A SIXTY (60) DAY MORATORIUM
ON DEVELOPMENT APPROVALS FOR PARKING LOTS WITHIN THE R-1, R-2, R-3, R-4, R-5, RM, and PRD ZONING
DISTRICTS, WHEN SUCH PARKING LOTS ARE FOR NON-RESIDENTIAL USES

WHEREAS, the Town of Tryon (hereafter “the Town”) is a municipal corporation organized under the laws of North Carolina, invested with the powers enumerated in Chapter 160A of the North Carolina General Statutes; and

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A, Article 19, the Town is given the authority to plan and regulate development within its corporate limits and its extraterritorial jurisdiction (“ETJ”), and pursuant to North Carolina General Statutes Chapter 160A-381(e), the Town is specifically given the right, under appropriate circumstances, to impose a development moratorium; and

WHEREAS, the Town has determined that amendments to its Zoning Ordinance are necessary in order to remove any ambiguity as to which of its zoning districts are appropriate for the development of satellite or adjacent parking lots for non-residential uses; and,

WHEREAS, the Town’s current zoning ordinance does not identify parking lots as a stand-alone primary use of property; and

WHEREAS, the parking provisions that do exist need to be updated in other ways such as to better define satellite, shared and combined parking for both new and existing development; and,

WHEREAS, as the Town continues to grow and develop, the Board of Commissioners has become concerned that commercial and civic uses and other uses which are not allowed within residentially zoned districts may nonetheless attempt to establish additional parking lots on adjacent or nearby vacant residential lots and such use may not be suitable for location in long-established residential neighborhoods nor consistent with the public health, safety and welfare of the citizens of Tryon and for that reason, has determined that a moratorium is needed in order to study appropriate locations for parking and regulations associated therewith; and,

WHEREAS, during the moratorium, the Town will review its Plans and ordinances to determine which districts are appropriate for satellite parking lots associated with non-residential uses and for the location of parking lots as the primary, stand-alone use; and,

WHEREAS, during the moratorium, the Town will also study and determine the type of permits and level of review appropriate for off-premises, satellite and primary use parking lots; and,

WHEREAS, alternatives to a moratorium were considered by the Town and such alternatives were not deemed adequate to serve the public health, safety, and general welfare; and

WHEREAS, said alternatives include, but are not necessarily limited to: (1) doing nothing and continuing to process future applications based on current zoning regulations which are silent or ambiguous as

to the aspects of parking identified herein; and (2) undertaking the study described herein in the absence of a moratorium and thereby running a risk of the proliferation of parking lots in established residential neighborhoods; and,

WHEREAS, there are no currently pending applications for development of parking lots within residentially zoned areas, making this an appropriate time to establish the moratorium while risking the least amount of impact on planned developments; and

WHEREAS, the development approvals subject to this proposed moratorium include building permits, certificates of occupancy, zoning and conditional use permit applications; variances, administrative approvals, site plan approvals, subdivision plan approvals, combination or recombination of lots approval, rezoning approvals, or other development approvals necessary for the establishment of parking lots within all residential zoning districts; and,

WHEREAS, a sixty (60) day moratorium is sufficient time to evaluate and amend the Town's Zoning Ordinance in the aforementioned manner; and

WHEREAS, the proposed moratorium will expire after sixty (60) days or upon adoption of an Ordinance amending the Town's Zoning Ordinance addressing the aforementioned issues, whichever occurs first; and

WHEREAS, the plan of action, to address the aforementioned issues is as follows:

- (8) April 2, 2019 – hold public hearing and adopt moratorium ordinance
- (9) April 2 – April 30, 2019 – staff develop proposed Zoning Ordinance Amendments in keeping with this ordinance
- (10) April 11, 2019 – Planning Board to review proposed Zoning Ordinance Amendments at its regularly scheduled meeting and possibly make its official recommendation to the Town Board
- (11) April 16, 2019 – Town Board to review progress of work and proposed Amendments, give staff direction as to revisions and possibly set public hearing date
- (12) Late April, 2019 – Planning Board to hold special meeting(s) if needed to further review amendments and offer official recommendation to Town Board
- (13) Early May, 2019 – Advertise public hearing to consider proposed zoning ordinance amendments
- (14) May 21, 2019 – Probable date of public hearing and adoption of Zoning Ordinance Amendments.

WHEREAS, the Tryon Board of Commissioners finds that this moratorium ordinance is consistent with any and all land use plans and ordinances as it will protect the integrity of long-established residential areas while amendments to the Zoning Ordinance are being considered and the amendments contemplated will also expand opportunities for satellite and shared parking areas for commercial uses; and,

WHEREAS, the Tryon Board of Commissioners finds that this moratorium ordinance is reasonable and in the public interest as it will place a hold on certain parking lot approvals while appropriate amendments to

the Zoning Ordinance are studied and adopted thereby removing ambiguity from the Zoning Ordinance and protecting the public health, safety and welfare of the citizens of the Town of Tryon

NOW, THEREFORE, THE TOWN BOARD OF COMMISSIONERS FOR THE TOWN OF TRYON DOES HEREBY ORDAIN THE FOLLOWING:

1. Except as otherwise provided by N.C.G.S. § 160A-381(e), a sixty (60) day moratorium is adopted immediately for any building permit, zoning and conditional use permit applications; variances, administrative approvals, site plan approvals, subdivision plan approvals, approvals of combination or recombination of lots, rezoning approvals, or other development approvals necessary for the establishment of parking lots within the R-1, R-2, R-3, R-4, R-5, RM and PRD zoning districts; and,

2. That this sixty (60) day moratorium shall expire upon the adoption of Zoning Ordinance Amendment(s) addressing the issues identified herein, or at midnight, June 1, 2019, whichever occurs first; and,

3. That this Ordinance shall become effective immediately upon its adoption.

Motion made by Commissioner _____.

Motion seconded by Commissioner _____.

With _____ Council Members voting aye.

With _____ Council Members voting no.

Adopted and effective this the ____ day of April, 2019.