

# Zoning Compliance Report

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DRAFT REPORT

PROJECT NUMBER:

22-11449-001

REPORT DATE:

September 21, 2022



Mini Storage Facility  
9595 NC-16  
Newton, NC 28658

*This report was prepared for:*

**TBD**

*In addition to:*  
CREsurveys, Ltd.

Submitted by: *Andrew Sladek, Zoning Analyst*

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1) Summary of Findings

a) Conformance Status

<b>Use:</b>	Conforming
<b>Setback:</b>	Conforming
<b>Height:</b>	Conforming
<b>Area:</b>	Conforming
<b>Density</b>	Conforming
<b>Parking</b>	Non-Conforming

b) Back-Up Documentation

Documentation Requested	Status
<b>Zoning Verification Letter</b>	Complete
<b>Approved site plan, Certificate of Occupancy, Zoning Documents, Zoning Violations, Building Violations, Fire Violations</b>	Complete

\*The items listed above were requested but may or may not have been provided. See attachments for documentation received.

c) Executive Summary

**Background**

The subject property is a self-storage facility located at 9595 NC-16 in the City of Newton, NC. The subject property is located within the M-1, General Manufacturing District.

**Overall Status:** LEGAL NONCONFORMING.

The subject property's current use and structure were legally approved and constructed prior to the adoption of the current zoning ordinance requirements and any current nonconforming characteristics [parking] would be considered pre-existing, grandfathered, legal nonconforming.

**Use:** The subject property's current use, Self-Storage Facility, is permitted in the M-1, General Manufacturing District and is considered legal conforming.

**Setback:** The subject property is in compliance with the setback requirements set forth in the zoning ordinance.

**Height:** The subject property is in compliance with the height requirements set forth in the zoning ordinance. Per Google maps, it appears the subject property does not exceed the 60 Feet height limit.

**Area:** The subject property is in compliance with the area requirements set forth in the zoning ordinance.

**Density:** The subject property is in compliance with the density requirements set forth in the zoning ordinance.

**Parking:** The subject property is NOT in compliance with the parking requirements set forth in the zoning ordinance.

### **Right to Rebuild**

*(Enclosure 02. Zoning Code Sections)*

When a building or structure devoted to a nonconforming use is damaged or deteriorated, as determined by the planning director, to the extent of 50 percent or more of the building's or structure's assessed taxable value, such building, if restored, shall thereafter be devoted to conforming uses.

2) Site and Ordinance Summary

a) Site Summary

<b>Size of Property:</b>	324,677 SF / 7.45 AC
<b>Building Size (GFA):</b>	52,995 SF
<b>Building Footprint:</b>	52,995 SF

b) Zoning Summary

<b>Jurisdiction:</b>	City of Newton, NC
<b>Zoning District(s):</b>	M-1, General Manufacturing District
<b>Existing Land Use:</b>	Self-Storage Facility
<b>Authorized Land Use:</b>	Mini-Warehouse

3) Special Permitting

The subject property has not been approved for any special permits, variances or zoning relief of any kind.

4) Code Violations

<b>Building:</b>	Per Alex Fulbright, Assistant Planning Director, there are no open building code violations.
<b>Fire:</b>	Per Alex Fulbright, Assistant Planning Director, there are no open fire code violations.
<b>Zoning:</b>	Per Alex Fulbright, Assistant Planning Director, there are no open zoning code violations.

5) Certificates of Occupancy

The subject property was issued a Certificate of Compliance in May of 2015, a copy of which is located within the Enclosure section of this report.

6) Adjacent Property Zoning

<b>North:</b>	Outside Municipal Limits
<b>South:</b>	M-1, General Manufacturing District
<b>East:</b>	M-1, General Manufacturing District
<b>West:</b>	M-1, General Manufacturing District

7) Property Specifications

a) Setback

	Required	Existing
<b>Front:</b>	30 Feet	Approx. 55 Feet
<b>Side:</b>	10 Feet	Approx. 45 Feet
<b>Street Side:</b>	15 Feet	N/A
<b>Rear:</b>	45 Feet	Approx. 140 Feet
<b>What is the conformance status of the building setbacks?</b>		<b>Conforming</b>

*Required: Enclosure 02. Zoning Code Sections*

*Existing: Enclosures 03. Survey*

b) Height

	Allowed	Existing
<b>Height:</b>	65 Feet	1 Story / 20 Feet
<b>What is the conformance status of the building height?</b>	<b>Conforming</b>	

*Required: Enclosure 02. Zoning Code Sections  
Existing: Enclosures 03. Survey*

c) Area

	Allowed	Existing
<b>Minimum Lot Area:</b>	None Required	324,677 SF / 7.45 AC
<b>Minimum Lot Depth:</b>	None Required	426.65 Feet
<b>Minimum Lot Width:</b>	None Required	563.55 Feet
<b>Minimum Road Frontage:</b>	None Required	563.55 Feet
<b>What is the conformance status of the area requirements?</b>	<b>Conforming</b>	

*Required: Enclosure 02. Zoning Code Sections  
Existing: Enclosures 03. Survey*

d) Density

	Allowed	Existing
<b>Maximum Floor Area Ratio:</b>	0.70 FAR	0.16 FAR
<b>Maximum Lot Coverage:</b>	None Required	16%
<b>Maximum Units per Acre (UPA):</b>	None Required	N/A
<b>Minimum Gross Floor Area (SF):</b>	None Required	N/A
<b>What is the conformance status of the density requirements?</b>	<b>Conforming</b>	

*Required: Enclosure 02. Zoning Code Sections  
Existing: Enclosures 03. Survey*

e) *Parking*

**Formula:** Warehouse, mini: 1.0 per 10 storage units

Office: Business and professional services and personal services office: 3.5 per 1,000 sq. ft.  
GFA

	Required	Existing
<b>Number of Parking Spaces:</b>	30 spaces	6 spaces
<b>What is the conformance status of the parking requirements?</b>	<b>Non-Conforming</b>	

*Required: Enclosure 02. Zoning Code Sections*

*Formula: Warehouse, mini:  $263 / 10 = 26.3$*

*Office:  $1,000 \text{ SF} \times 3.5 = 3.5$*

*$26.3 + 3.5 = 30 \text{ spaces (rounded)}$*

*Existing: Enclosure 03. Survey*

8) **Zoning Officials Contacted**

<p><b><u>NAME:</u></b> Alex Fulbright</p> <p><b><u>TITLE:</u></b> Assistant Planning Director</p> <p><b><u>PHONE:</u></b> 828.695.4326</p>
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9) **Additional Comments**

<p>The subject property must front on a collector or arterial street. (Use Requirement)</p>
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## 10) Comments

### a) *General Comments:*

All information contained within this report was derived from: The City of Newton Zoning Ordinance, a Zoning Verification Letter, Certificate of Occupancy, Confirmation of Code Violations, and an ALTA Survey.

The determination of front, rear and side setbacks set forth in this report are open for interpretation by the local municipality. CREzoning, LTD cannot certify to the reliability of the same.

### b) *Unless otherwise stated the following items are beyond the scope of this zoning report:*

Landscaping, Signage Restrictions, Lighting Restrictions, FAA Height Restrictions, Minimum Open Space Requirements, Maximum Parking Lot Coverage Restrictions, Deed Restrictions, Covenants Conditions & Restrictions, Title Report Review, Accessory Structures, HOA Restrictions, ADA Requirements, Loading Spaces, Design Guidelines, State & Health Code Requirements.

### c) *Surveyor:*

**COMPANY:** Cain Surveying

**NAME:** Jimmy Cain

**ADDRESS:** 6333 N.C. Highway #242 South, Baldenboro, NC 28320

**PHONE:** (910) 648-4509

11) Zoning Table

ITEM	REQUIRED	OBSERVED
PERMITTED USE	Self-Storage Facility	Mini-Warehouse
FRONT SETBACK	30 Feet	Approx. 55 Feet
SIDE SETBACK	10 Feet	Approx. 45 Feet
SIDE STREET SETBACK	15 Feet	N/A
REAR SETBACK	45 Feet	Approx. 140 Feet
MAX BUILDING HEIGHT	65 Feet	1 Story / Feet Unknown
MIN LOT AREA	None Required	324,677 SF / 7.45 AC
MIN LOT DEPTH	None Required	426.65 Feet
MIN LOT WIDTH	None Required	563.55 Feet
MIN LOT FRONTAGE	None Required	563.55 Feet
MAX LOT COVERAGE	None Required	16%
PARKING	30 spaces	6 spaces

## **12) Enclosures**

01. *Municipal Documents*
02. *Zoning Code Sections*
03. *Survey*