

ORDINANCE NO. (2021) 5074

**AN ORDINANCE TO AMEND ORDINANCE NO. (2003) 3250 ENTITLED
 “THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF
 GARNER AND ITS EXTRATERRITORIAL JURISDICTION” BY AMENDING THE
 UNIFIED DEVELOPMENT ORDINANCE TO MODIFY REGULATIONS RELATED TO DOWNTOWN
 USES, FORM AND CHARACTER, AS WELL AS THOSE RELATED TO COMMUNITY TREE CANOPY**

Section One. Amend Article 5.3.A.4. entitled “Upper-story residential.” to read as follows:

5.3. Specific use standards.

A. Residential uses.

4. **Upper-story residential.** Upper-story residential development consists of one or more dwelling units located in one or more stories above, and in the same building as, a permitted use on the ground floor, and is permitted where allowed by the use table provided a site plan for the project is reviewed in accordance with Article 3.

Section Two. Amend Article 6.9.A. entitled “Nonresidential development standards.” to read as follows:

6.9. Nonresidential district standards.

- A. Nonresidential development standards.** The following table illustrates the dimensional standards that apply in the Town's commercial, industrial and special purpose districts.

Standard	NO	NC	CBD	OI	CR	SB	I-1	I-2
<i>... (Note: other standards remain as is)</i>								
Minimum Yards:*								
Front yard	35 ft.	35 ft.	None	35 ft.	35 ft.	35 ft.	50 ft.	50 ft.
Rear yard	25 ft.	0/25 ft.	0/15 ft.	25 ft.	0/25 ft.	0/25 ft.	0/50 ft.	0/50 ft.
Side yard	0/15 ft.	10/15 ft.	0/15 ft.	10/15 ft.	10/15 ft.	0/25 ft.	0/25 ft.	0/25 ft.
Corner lot side yard	35 ft.	35 ft.	None	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Height and Density:								
Maximum Height	35 ft.	35 ft.	None	None	None	None	None	None
Maximum Net	6,000 sq.	6,000	None	6,000 sq.	None	None	None	None

DU/Acre	ft. per single family detached dwelling unit	sq. ft. per unit		ft. per unit				
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Section Three. Amend Article 7.1.D.3. entitled “Plant points table.” to read as follows:

7.1. Landscaping and tree protection.

D. Plant material installation requirements.

3. Plant points table.

Plant Type	Height (feet)	Size Root/ Container	Caliper (inches)	Points
Large Canopy Tree (minimum 35 feet at maturity)	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>
Small Canopy Tree (less than 35 feet at maturity)	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>
Shrubs, Ornamental Grasses and Vines	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>	<i>(Note: No changes)</i>

Section Four. Amend Article 7.1.I.2. entitled “Tree cover requirements.” to read as follows:

7.1. Landscaping and tree protection.

I. Tree canopy cover.

2. Tree cover requirements.

- a. All new development must meet the tree cover requirements outlined in the tables below. These standards can be achieved by preserving existing trees on the site, or by planting replacement trees. Trees in required buffer yards and easements, and street trees may be credited towards the tree cover requirements. Preference is given to preserving existing trees, rather than preservation and planting, or exclusive planting, and this preference is reflected in the standards of the table.

- b. Water surface areas of ponds, lakes or other surface water bodies (excluding stormwater control structures) shall be excluded from the total land area for the purposes of calculating tree cover requirements.
- c. CBD district development cover requirements. Where permitted, street trees within adjacent rights-of-way and within 15 feet of the property line may be counted towards the fulfilment of this requirement.

Preserved Tree Cover Area	Replacement Tree Cover Area	Minimum Total Tree Cover Area
5.5%	Plus 0% equals	5.5%
4%	Plus 2% equals	6%
2.5%	Plus 4% equals	6.5%
1%	Plus 6% equals	7%
0%	Plus 7.5% equals	7.5%

- d. Residential development cover requirements (all other districts).

Preserved Tree Cover Area	Replacement Tree Cover Area	Minimum Total Tree Cover Area
18%	Plus 0% equals	18%
13.5%	Plus 5% equals	18.5%
9%	Plus 10% equals	19%
4.5%	Plus 15% equals	19.5%
0%	Plus 20% equals	20%

- e. Non-residential development cover requirements (all other districts).

Preserved Tree Cover Area	Replacement Tree Cover Area	Minimum Total Tree Cover Area
12%	Plus 0% equals	12%
9%	Plus 3.5% equals	12.5%
6%	Plus 7% equals	13%
3%	Plus 10.5% equals	13.5%
0%	Plus 14% equals	14%

- f. Areas required to be undisturbed by other requirements of the Garner UDO shall be presumed to meet requirements of this section, provided applicable standards are met.
- g. All preliminary major subdivision plans, site plans, final plats and other types of plans or permits as determined by the Planning Director shall clearly indicate all tree preservation and tree replacement areas.
- h. Existing tree cover areas in new subdivisions are strongly encouraged to be located in common open space areas or protected buffers, where possible. Where this is not practical, perimeter buffer areas of

conservation easement areas may be increased, provided the root zone of such trees can be protected during construction.

Section Five. Insert a new Article 7.1.K.2. entitled "Exemption." to read as follows (*and re-number existing sub-sections 7.1.K.2. through 7.1.K.9. as 7.1.K.3. through 7.1.K.10.*):

7.1. Landscaping and tree protection.

K. Buffers.

2. **Exemption.** The CBD is an area where zero lot line buildings are located on short blocks with streets designed to encourage activity where pedestrians can readily access a diverse mix of uses. Therefore, in the CBD, buffers are counterproductive to the intent of the district to preserve and promote the traditional Main Street business district. Sufficient landscaping and green spaces are ensured through the application of other sections of this ordinance.

Section Six. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 1st day of November 2021.



Ken Marshburn, Mayor

ATTEST: 

Stella Gibson, Town Clerk

APPROVED AS TO FORM: 

Terri Jones