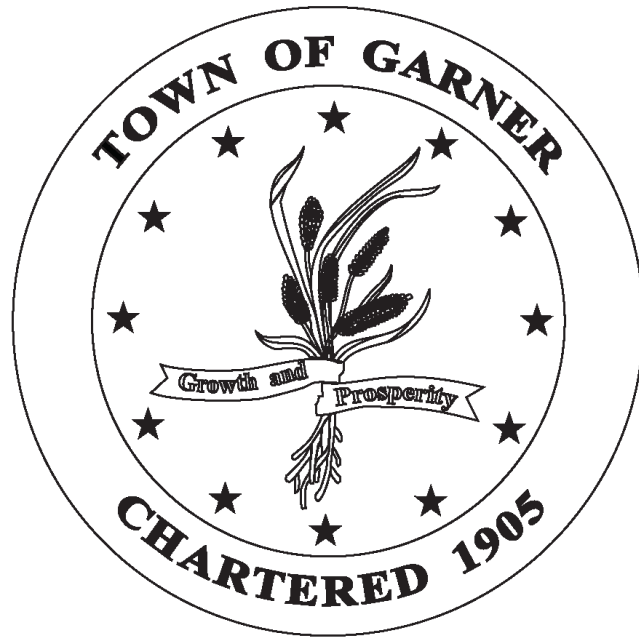


Town of Garner



Town Council Meeting
October 30, 2023

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Meeting Agenda
October 30, 2023**

The Council will meet in a Work Session at 6:00 p.m. in the Ronnie S. Williams Council Chambers located at 900 7th Avenue.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Ken Marshburn
- B. ADOPTION OF AGENDA
- C. PRESENTATIONS
- D. DISCUSSION/REPORTS

- 1. LMG Update Page 4
Presenter: John Hodges, Assistant Town Manager

At the Council's May 11, 2023 Budget Work Session, LMG presented an update on the planned downtown development project and preliminary concepts for expanding the project to help meet market constraints. LMG has continued to refine the concept Council approved investigating further (attached) and will provide an update on that and other alternatives for consideration.

Action: Receive as information.

- 2. Roles in Land Use Decisions Page 6
Presenter: Terri Jones, Town Attorney

Information has been compiled to provide one-page sheets outlining the roles for the three main types of land use decisions - rezoning and map amendments, zoning text amendments, and special use permit.

Action: Receive as information and provide feedback

- 3. Text Amendment # ZTA-23-03, Changes to Specific Review Procedures and Development Approvals Page 10
Presenter: Jeff Triezenberg, Planning Director

Text amendment (ZTA-23-03) submitted on behalf of Council Member Dellinger to amend Section 4.6. Specific Review Procedures and Development Approvals - Map and Text Amendments and Section 4.7.4. Special Use Permits to add a procedural step requiring the Town Council to fix a date for a public hearing via resolution on the question of a proposed zoning amendment or special use permit and causing notice of the public hearing to be carried out pursuant to Section 4.4.6; and to add a requirement to cause notice of the meeting at which the Town Council may take final action on a

proposed zoning amendment along with amending related and cross-referenced sections.

Action: Receive as information and consider directive to set public hearing.

- 4. Text Amendment # ZTA-23-04, Corrections of Errors Page 14
Presenter: Jeff Triezenberg, Planning Director

Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.

Action: Receive as information and consider directive to set public hearing.

E. MANAGER REPORTS

- 1. Pending Agenda Report
- 2. The Town’s annual Trick or Treat the Trail is on October 31st from 3:00 p.m. to 6:00 p.m. at White Deer Park.
- 3. A Veterans Day Observance celebration will be held on November 11th from 10:30 a.m. to noon at the Aversboro Road Baptist Church. Tours of the Veterans Memorial at Lake Benson Park will be given following the program.
- 4. Unprepared yard waste and tire pick-up starts today. Additional information can be found on the Town’s website at www.garnernc.gov.

F. ATTORNEY REPORTS

G. COUNCIL REPORTS

H. CLOSED SESSION

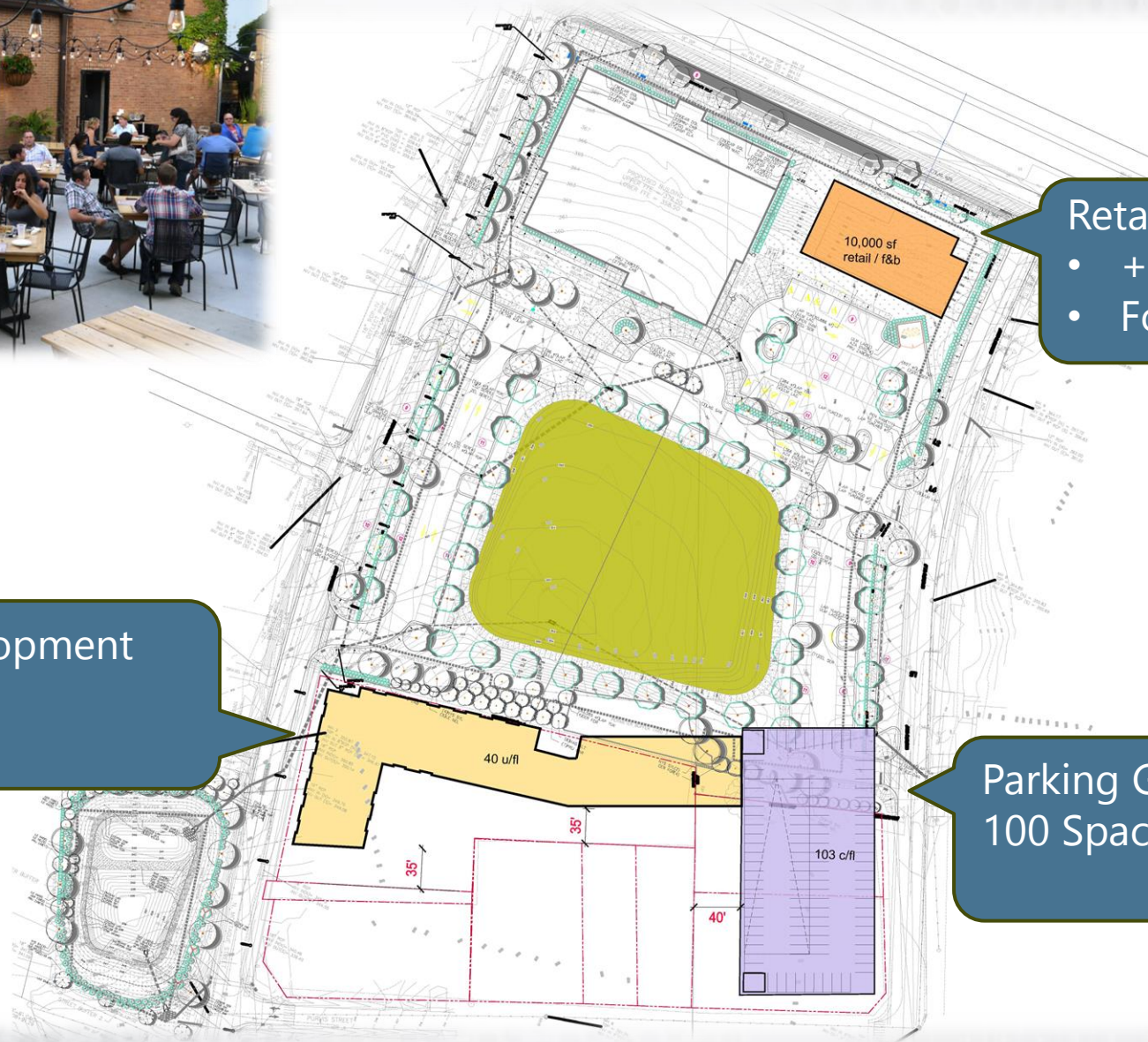
Pursuant to N.C. General Statutes Section 143-138.11(a)(3) to consult with the Town Attorney regarding litigation and Section 143.318.11(a)(5) to discuss possible real estate acquisition and the Town’s negotiating position regarding such real estate.

I. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 30, 2023		
Subject: LMG Update		
Location on Agenda: Discussion/Reports		
Department: Administration		
Contact: John Hodges, Assistant Town Manager		
Presenter: John Hodges, Assistant Town Manager		
<p>Brief Summary: At the Council's May 11, 2023 Budget Work Session, LMG presented an update on the planned downtown development project and preliminary concepts for expanding the project to help meet market constraints. LMG has continued to refine the concept Council approved investigating further (attached) and will provide an update on that and other alternatives for consideration.</p>		
<p>Recommended Motion and/or Requested Action: Receive as information.</p>		
<p>Detailed Notes: Additional information will be provided to Council before the Work Session.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Concept C-2: Garage Parallel to Purvis



Retail/Commerical

- +/- 10,000 sq ft
- Food Hall concept

Multifamily Development
40 Units/Fl

Parking Garage
100 Spaces/Fl

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 30, 2023		
Subject: Roles in Land Use Decisions		
Location on Agenda: Discussion/Reports		
Department: Legal		
Contact: Terri Jones, Town Attorney		
Presenter: Terri Jones, Town Attorney		
Brief Summary: Information has been compiled to provide one-page sheets outlining the roles for the three main types of land use decisions - rezoning and map amendments, zoning text amendments, and special use permit.		
Recommended Motion and/or Requested Action: Receive as information and provide feedback		
Detailed Notes: During the Council's 2023 Planning Retreat, Council requested that the Town Attorney prepare an outline of the roles for Council, Planning Commission, and Town staff in land use decisions. A summary chart has been prepared for each of the two main legislative decisions - rezoning map amendments and zoning text amendments - and the main quasi-judicial decision - special use permits. The summary charts are not intended to be exhaustive, but rather to provide a quick guide for the various review and decision-making bodies as well as the public.		
Funding Source: N/A		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	TJ	
Finance Director:		
Town Attorney:	TJ	
Town Manager:	RD	
Town Clerk:		

Roles in Land Use Decisions – Rezoning/Map Amendments

Role Type	Body	Role and Source of Authority: UDO Sections 4.2, 4.3, 4.4, 4.6 & NCGS 160D-604, 160D-605
<i>Legislative</i>	<i>Town Council</i>	<p>Conduct public hearing</p> <ul style="list-style-type: none"> • Conduct a public hearing about the rezoning proposal, during which residents and interested parties and/or affected neighbors can express their views, concerns, or support for the proposed rezoning. <p>Approve plan consistency statement and reasonableness statement</p> <ul style="list-style-type: none"> • Town Council should prepare and approve a brief statement on their adoption or rejection of the proposed rezoning or map amendment describing whether its action is consistent or inconsistent with the Town’s comprehensive plan. • The statement should consider the Planning Commission’s recommendation. <p>Vote on proposed rezoning - a simple majority is required to approve a rezoning or map amendment.</p> <ul style="list-style-type: none"> • Voting members should consider all the relevant variables when making a decision about a rezoning proposal, including statements and information provided at the public hearing and the Planning Commission’s subsequent recommendation. • Conditions may not be imposed unless the applicant consents in writing. • Appeals must be filed in Wake County Superior Court within 60 days pursuant to NCGS 160D-1405.
<i>Advisory</i>	<i>Planning Commission</i>	<p>Conduct public meeting</p> <ul style="list-style-type: none"> • Review rezoning application, including the applicant’s plan, notes from neighborhood meetings, traffic studies. • Gather input from residents, property owners, and other stakeholders about the rezoning proposal. <p>Provide recommendation to Town Council on plan consistency within 30 days of referral</p> <ul style="list-style-type: none"> • Evaluate the application based on the Town’s comprehensive plan, zoning ordinances, and other relevant regulations. • Advise the Town Council by providing a recommendation on whether the proposed action is consistent with the comprehensive plan. <p><i>*Note: A comment by the Planning Commission that a proposed map or text amendment is inconsistent does not prevent consideration or approval by Town Council. If the zoning amendment is adopted and the action was deemed inconsistent, the zoning amendment has the effect of also amending the future land use map in the Garner Forward Plan.</i></p>
<i>Administrative</i>	<i>Town Staff (Technical Review Committee)</i>	<p>Review application for completeness and compliance with UDO and State laws and prepare written report</p> <p>Provide notice of public hearing</p> <ul style="list-style-type: none"> • Publish a notice of the hearing to the public on the Town’s website twice (once a week for two successive weeks), with the first notice being published within 10-25 days before the hearing. • Mail notice of public hearing directly to all property owners and occupants within 800 feet of the property proposed for rezoning within 10-25 days before the public hearing. • Post a physical sign on the property at least 14 days before the public hearing.

Roles in Land Use Decisions – Zoning Text Amendments

Role Type	Authorities	Role and Source of Authority: UDO Section 4.6.3 & NCGS 160D-604(d), 160D-605(a)
<i>Legislative</i>	<i>Town Council</i>	<p>Conduct public hearing</p> <ul style="list-style-type: none"> • Conduct a public hearing about the proposed ordinance amendment, during which residents and other interested parties can express their views, concerns, or support for the proposal. <p>Approve plan consistency statement and reasonableness statement</p> <ul style="list-style-type: none"> • Town Council should prepare and approve a brief statement on their adoption or rejection of the proposed text amendment describing whether its action is consistent or inconsistent with the Town’s comprehensive plan. • The statement should consider the Planning Commission’s recommendation. <p>Vote on proposed amendment</p> <ul style="list-style-type: none"> • A simple majority is required to adopt a zoning text amendment. <p><i>Note: A plan consistency statement is not subject to judicial review. Appeals of the text amendment must be filed in Wake County Superior Court within 60 days pursuant to NCGS 160D-1405.</i></p>
<i>Advisory</i>	<i>Planning Commission</i>	<p>Conduct public meeting</p> <ul style="list-style-type: none"> • Review ordinance amendment proposal. • Gather input from residents, property owners, and other stakeholders about the text amendment proposal. <p>Provide recommendation to Town Council on plan consistency within 30 days of referral</p> <ul style="list-style-type: none"> • Evaluate the application based on the Town’s comprehensive plan and other relevant regulations. • Consider four criteria: (1) consistent with overall UDO, (2) new idea or changing circumstances, (3) correction of an error, and (4) compliance with state or federal statutes or case law • Advise the Town Council by providing a written recommendation on whether the proposed amendment is consistent with the comprehensive plan. <p><i>Note: A comment by the Planning Commission that a proposed text amendment is inconsistent does not prevent consideration or approval by Town Council.</i></p>
<i>Administrative</i>	<i>Town Staff (Technical Review Committee)</i>	<p>Review application submitted by a citizen, by Town Council, or proposed to Council by staff</p> <ul style="list-style-type: none"> • Planning Director prepares written report summarizing nature of request and compliance with UDO. <p>Draft proposed ordinance amendment</p> <ul style="list-style-type: none"> • Draft the amendment based on policy direction provided by the Town Council. • Ensure that proposed amendment will be legally enforceable and in alignment with the Town’s comprehensive plan and other relevant regulations. <p>Provide notice of public hearing</p> <ul style="list-style-type: none"> • Publish a notice of the hearing to the public on the Town’s website twice (once a week for two successive weeks), with the first notice being published within 10-25 days before the hearing.

Roles in Land Use Decisions – Special Use Permits

Role Type	Authorities	Role and Source of Authority: UDO Section 4.7.4 & NCGS 160D-301(b)(6), 160D-406, 160D-705
<i>Quasi-Judicial</i>	<i>Town Council</i>	<p>Conduct public hearing</p> <ul style="list-style-type: none"> • Provide disclosures of conflicts of interest or ex parte communications. • Conduct a public hearing about the proposed special use permit, during which residents, interested parties, and/or affected neighbors with standing can participate as a party. • All evidence must be presented under oath. <p>Determine findings of fact</p> <ul style="list-style-type: none"> • All of the following facts must be found in order for the proposed special use to be approved: <ol style="list-style-type: none"> a) Proposed use will not endanger public health or safety. b) Proposed use will not substantially injure the value of adjoining or abutting property. c) If completed as proposed, the development will comply with all requirements. d) Proposed use is consistent with the Town’s adopted transportation plan(s), other relevant adopted plans and policies, and the stated purpose and intent of the UDO (the e) Proposed use is compatible with adjacent uses and proximate neighborhood in terms of building scale, site design, buffering and screening, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts). f) Any significant adverse impacts resulting from the use will be mitigated or offset. g) The public safety, transportation, and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development. h) Adequate assurances of continuing maintenance have been provided. <p>Vote on proposed special use permit</p> <ul style="list-style-type: none"> • A simple majority is required to approve a special use permit. • May impose reasonable conditions to address impacts on adjoining property, features of the site, traffic flow, public utilities, infrastructure and services, and Garner Forward and Transportation Plan goals. <p><i>*Note: Recommendations from the Planning Commission may not be considered in making a decision. Appeals must be filed in Wake County Superior Court within 30 days of the written decision.</i></p>
<i>Administrative</i>	<i>Town Staff (Technical Review Committee)</i>	<p>Receive and review application</p> <ul style="list-style-type: none"> • TRC will ensure that the application is complete, including all necessary documentation. <p>Prepare report for Town Council to review at public hearing</p> <ul style="list-style-type: none"> • The Planning Director will prepare a written report summarizing the applicant’s request. <p>Provide notice of public hearing (<i>same as notice requirements for rezoning</i>)</p>

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 30, 2023		
Subject: Text Amendment # ZTA-23-03, Changes to Specific Review Procedures and Development Approvals		
Location on Agenda: Discussion/Reports		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Text amendment (ZTA-23-03) submitted on behalf of Council Member Dellinger to amend Section 4.6. Specific Review Procedures and Development Approvals - Map and Text Amendments and Section 4.7.4. Special Use Permits to add a procedural step requiring the Town Council to fix a date for a public hearing via resolution on the question of a proposed zoning amendment or special use permit and causing notice of the public hearing to be carried out pursuant to Section 4.4.6; and to add a requirement to cause notice of the meeting at which the Town Council may take final action on a proposed zoning amendment along with amending related and cross-referenced sections.		
Recommended Motion and/or Requested Action: Receive as information and consider directive to set public hearing.		
Detailed Notes: See attached staff report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Memorandum

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: ***Text Amendment # ZTA-23-03, Changes to Specific Review Procedures and Development Approvals***

DATE: October 30, 2023

I. REQUEST

Text amendment (ZTA-23-03) submitted on behalf of Councilmember Dellinger to amend Section 4.6. *Specific Review Procedures and Development Approvals - Map and Text Amendments* and Section 4.7.4. *Special Use Permits* to add a procedural step requiring the Town Council to fix a date for a public hearing via resolution on the question of a proposed zoning amendment or special use permit and causing notice of the public hearing to be carried out pursuant to Section 4.4.6. *Public Notice Requirements*; and to add a requirement to cause notice of the meeting at which the Town Council may take final action on a proposed zoning amendment along with amending related and cross-referenced sections.

II. BACKGROUND

This proposed text amendment package has been assembled at the request of Councilmember Dellinger. The original request asked staff to look at amendments to both add a step for formally setting public hearings required by the Garner Unified Development Ordinance (UDO) and to add a second public hearing for zoning amendments. Upon conferring with management and the Town Attorney, it is recommended that the Council modify their Rules of Procedure to formally allow public comment during the zoning amendment decision meeting in lieu of adding a second hearing and needing to set that public hearing as well. However, the proposed amendment package does add a notification requirement for the meeting at which the Town Council may take final action. Upon the advice of the Town Attorney, the notification time requirements are recommended to be consistent with state law and consistent across forms of notice.

III. PROPOSED CHANGES FOR DISCUSSION

4.4.6. Public Notice Requirements

...

C. Posted

The Planning Director shall post a notice of application at a visible location on the subject property no less than ~~14~~ 10 days prior to the hearing. The contents of the posted notice shall include the Town's general contact information and that a land use decision is under consideration.

4.6.1. Rezoning / Map Amendment

...

C. Public Hearing

1. At the conclusion of the preceding review, the Town Clerk shall prepare a resolution asking the Town Council to fix a date of public hearing and place said resolution as a Consent item on the next available regular Town Council agenda ~~establish a date for a public hearing and schedule and advertise a public hearing.~~
2. Once a date of public hearing has been fixed by the Town Council, the Town Clerk shall provide notice to the public pursuant to *Section 4.4.6*.

...

I. Town Council Final Action

1. Prior to a Town Council meeting at which final action may be taken, the Town Clerk shall provide notice to the public pursuant to *Section 4.4.6*.
- ~~12.~~ The Town Council may not take final action on a request until it has received the Planning Commission recommendation or 30 days have passed since the zoning map amendment was first referred to the Planning Commission.
- ~~23.~~ Pursuant to G.S. § 160D-605, the Council shall approve statements regarding comprehensive plan consistency and reasonableness of the request.

4.6.3. Text Amendment (Ordinance Amendment)

...

C. Public Hearing

1. At the conclusion of the preceding review, the Town Clerk shall prepare a resolution asking the Town Council to fix a date of public hearing and place said resolution as a Consent item on the next available regular Town Council agenda ~~establish a date for a public hearing and schedule and advertise a public hearing.~~

2. Once a date of public hearing has been fixed by the Town Council, the Town Clerk shall provide notice to the public pursuant to *Section 4.4.6*.

...

G. Town Council **Final Action**

1. Prior to a Town Council meeting at which final action may be taken, the Town Clerk shall provide notice to the public pursuant to *Section 4.4.6*.
12. The Town Council may not take final action on a request until it has received the Planning Commission recommendation or 30 days have passed since the zoning map amendment was first referred to the Planning Commission.
23. Pursuant to G.S. § 160D-605, the Council shall approve a statements regarding comprehensive plan consistency and reasonableness of the request.

4.7.4. **Special Use Permit**

...

C. Public Hearing

1. At the conclusion of the preceding review, the Town Clerk shall prepare a resolution asking the Town Council to fix a date of public hearing and place said resolution as a Consent item on the next available Town Council regular agenda ~~establish a date for a public hearing and schedule and advertise a public hearing.~~
2. Once a date of public hearing has been fixed by the Town Council, the Town Clerk shall provide notice to the public pursuant to *Section 4.4.6*.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: October 30, 2023		
Subject: Text Amendment # ZTA-23-04, Corrections of Errors		
Location on Agenda: Discussion/Reports		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.		
Recommended Motion and/or Requested Action: Receive as information and consider directive to set public hearing.		
Detailed Notes: See attached staff report.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Memorandum

TO: Honorable Mayor Marshburn and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *Text Amendment # ZTA-23-04, Corrections of Errors*

DATE: October 30, 2023

I. REQUEST

Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.

II. BACKGROUND

Since the adoption of the Garner Forward version of the UDO, staff across departments have been tracking errors in the adopted document requiring fixes. Errors have resulted from typos, copying mistakes, moving sections of text multiple times during the drafting process, inadvertently creating contradictory language in different sections, and inadvertently changing the intent of the ordinance where none was intended, omissions, and other reasons. Staff is not under any misconception that the proposed fixes identified here are exhaustive; however, there are enough significant errors warranting a case of corrections to be considered at this time.

III. PROPOSED CHANGES

3.3. PLANNING COMMISSION

...

3.3.2. Membership and Terms

A. Number

Per G.S. § 160D-301, **the** Planning Commission shall consist of seven members. The number of Planning Commission members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. **ETJ area representatives shall have equal rights, privileges, and duties with the other members of the Planning Commission, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.**

...

3.4. BOARD OF ADJUSTMENT

...

3.4.2. Membership and Terms

A. Number

Per G.S. § 160D-302, the BOA shall consist of five regular members and three alternate members. The number of both regular and alternate BOA members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. **ETJ area representatives shall have equal rights, privileges, and duties with the other members of the BOA, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.**

...

4.3. REVIEW AUTHORITY TABLE

The Review Authority Table displays decision types, the participants in the review process, and their respective roles.

Figure 4.3-A: Review Authority Table

PROCESS	TYPE	REVIEW	FINAL ACTION	APPEAL PROCESS	PUBLIC NOTICE LEVEL (SEE SECTION 4.4.6.)	SECTION
<i>44.5. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - SUBDIVISIONS</i>						
...						
<i>44.6. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS – MAP AND TEXT AMENDMENTS</i>						
...						
Text Amendment	Leg	Planning Director/ Planning Commission	Town Council	Superior Court	A, B, C	4.6.3.
<i>44.7. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - PERMITS</i>						
...						
<i>44.9. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - MISCELLANEOUS</i>						
...						
<i>44.10. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - ENVIRONMENTAL</i>						
...						

4.4. COMMON REVIEW PROCEDURES

...

4.4.6. Public Notice Requirements

A. Published

The Planning Director shall place an advertisement on the Town’s official webpage once a week for two successive weeks. The first notice shall be published no less than 10 days and no more than 25 days prior to the hearing. The contents of the published notice shall include:

1. The general location ~~(including a map for mailed notices)~~ (n/a for text amendments);
2. The parcel number and/or street address (n/a for text amendments);
3. A description or summary of the action requested;
4. Current and proposed zoning districts (rezonings only);
5. The time and location of the anticipated public hearing;

6. ~~Phone number and email of the appropriate applicant's contact~~ **Identity of the applicant;**
7. Phone number and email of the appropriate Town contact;
8. A statement that interested parties may appear at the hearing; and
9. A statement that substantial changes to the proposed action may occur following the hearing.

...

C. Mailed

1. Mailed notice shall **include the applicable contents in the published notice along with a map and shall** be provided to all property owners and occupants of properties abutting or within 800 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.

...

5.6. RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

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5.6.8. Townhome and Multifamily Standards for Lots/Structures with More than Four Dwelling Units per Structure or Others Not Described Elsewhere

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Figure 5.6-K: Dimensional Standards for Townhomes and Multifamily Residential Structures Not Regulated Elsewhere

DIMENSIONAL STANDARDS FOR TOWNHOMES AND MULTIFAMILY RESIDENTIAL STRUCTURES NOT REGULATED ELSEWHERE			
	MF-A, NMX	CMX, TBD	MF-B
Minimum Lot Size, for the first five dwelling units (Square Feet)	24,000	24,000	24,000
Minimum Lot Width, per structure (Feet)	60	60	60
Minimum Front Setback (Feet)	10	10	10
Minimum Rear Setback; from rear lot line / alley (Feet)	20/10	20/10	20/10
Minimum Side (Interior) Setback (Feet)	10	10	6
Minimum Side (Corner) Setback (Feet)	10	10	6
Maximum Height (Feet)	35	45	60
Maximum Fross Density (Dwelling Units per Acre)	20	30	50

6.1. USE TABLES

TABLE OF PERMITTED USES														
P = PERMITTED BY-RIGHT; SEE ADDITIONAL STANDARDS LISTED IN ARTICLE 5.; S = SPECIAL USE PERMIT														
SPECIFIC USE	RESIDENTIAL DISTRICTS							NONRESIDENTIAL AND MIXED USE DISTRICTS						NOTES
	RA	R2	R4	R8	RMH	MF-A	MF-B	NMX	CMX	TBD	AC	LI	HI	
RESIDENTIAL USE CATEGORY														
Single-Family Detached	P	P	P	P		S								
...														
Townhouse (>4 dwelling units per structure)						P	P	S	P	S				
...														
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY														
...														
Outdoor Storage (>10 feet above grade)													P	
...														
Warehouse and Freight Movement												S	S P	
...														
Sanitary Landfill, Junk or Salvage Yard													S	
...														
AGRICULTURAL AND MISCELLANEOUS USE CATEGORY														
...														
Greenhouse, Nursery (commercial), outdoor operations	SP								P				P	
Bona Fide Farms	P	P	P	P	P	P	P	P	P	P	P	P	P	
ACCESSORY USE CATEGORY														
Fences and Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	
Towers, Antennas, and Satellite Dishes	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory Solar Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	P	
Administrative Office, Artistic Studio, Hobby / Recreational Activities, Renting of Rooms, Daycare	P	P	P	P	P	P	P							
Accessory Dwelling Units	P	P	P											
Backyard Hens	P	P	P	P										
Automatic One-Bay (Non-Wand Car Wash Facility)								P	P	P	P	P	P	
Automatic Car Wash Facility										P		P	P	
Recycling Collection Point								P	P	P	P	P	P	

Other Accessory Uses and Structures															Includes Lists of Prohibited Uses, and Development and Design Standards; 6.12.
ACCESSORY, TEMPORARY, AND HOME OCCUPATION USE CATEGORY															
Accessory Uses and Structures															6.12.
...															

6.6. RECREATIONAL AND ENTERTAINMENT USE CATEGORY

...

6.6.4. Specific Uses

...

E. Indoor Athletic or Entertainment Facility

1. Defined

Amusement activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, theaters, escape rooms, video game arcades, laser tag, indoor paint ball, skating rink, and activities of a similar nature. ~~A business enterprise, as a principal use or as an accessory use where persons utilize more than six electronic machines, including, but not limited to: computers and gaming terminals; to conduct games including, but not limited to: sweepstakes, lotteries games and/or games of chance; and where cash, merchandise or items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to: internet sweepstakes, video sweepstakes or cybercafes. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina or arcade games of skill.~~

...

6.9. INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY

...

6.9.5. Specific Uses

...

M. Recycling Collection Point

(Note: Move entire existing subsection 6.9.5.M. to become a *new subsection 6.12.4.A.3.*)

NM. Sanitary Landfill, Junk Yard, Salvage Yard

...

6.11. AGRICULTURAL AND MISCELLANEOUS USE CATEGORY

...

6.11.4. Specific Uses

A. Other Agricultural Uses Not Listed

1. Defined

~~N.C. bona fide farms, a~~ Agri-tourism, community garden, and agricultural uses other than those listed below.

2. Use Standards

- a. Structures for keeping and raising of livestock and poultry shall be separated from residentially-zoned property by 300 feet, except those in locations exempted by G.S. § 160D-903.

B. Agriculture or Silviculture

1. Defined

Activities that primarily involve raising, producing, or keeping plants or animals, forest management, tree farms, and timber areas. Also include direct sales of such products at wholesale. ~~Also, see definition of “bona fide farm purposes”, Article 13.~~ For bona fide farms, see *Section 6.11.4.D.*

...

D. Bona Fide Farms

1. Defined

A use located in the Town’s ETJ as defined in and meeting the requirements of G.S. 160D-903. See definition of “bona fide farm purposes”, *Article 13.*

2. Use Standards
 - a. Bona fide farm purposes are exempt from Town zoning regulations.
 - b. Bona fide farm purposes are subject to floodplain regulations in *Article 11*.
 - c. Accessory buildings are subject to building code and UDO regulations except for greenhouses and therapeutic equine facilities.

6.12. ACCESSORY USES AND STRUCTURES

...

6.12.2. General

A. Fences and Walls

Fences and walls are permitted in any yard or along the edge of any yard and to such heights as follows, provided the vision necessary for safe vehicular and pedestrian movement on driveways and streets – **inclusive of required sight triangles** – is not impeded:

1. All Residential, CMX districts

Open and solid fences to four feet in front and corner side yards; solid fences to six feet in side and rear yards; open fences to any structurally-sound height in side and rear yards; solid rear and side yard fences to eight feet ~~as a variance if granted by the Board of Adjustment.~~

...

6.12.3. In Residential Districts

...

B. Restricted Uses – ~~Accessory Dwelling Units (ADUs)~~

1. ~~Districts~~ **Accessory Dwelling Units (ADUs)**

~~Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:~~

- a. ~~In the RA district, one ADU is allowed per a lot;~~ **Districts**

Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:

- i. In the RA district, one ADU is allowed per lot;
- ii. In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard; and

iii. In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.

b. ~~In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard;~~ and **Specific Use and Design Standards**

- i. ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;
- ii. ADUs shall have permanent access to utilities;
- iii. ADUs must be on a permanent foundation;
- iv. Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;
- v. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;
- vi. Two off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;
- vii. The ADU must be accessible from an existing driveway;
- viii. An ADU may not be sold separately from its principal dwelling unit; and
- ix. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name.

c. ~~In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.~~

2. ~~Specific Use and Design Standards~~ **Backyard Hens**

Backyard hens are allowed as an accessory to residential uses in the RA, R2, R4 and R8 zoning districts subject to the requirements of Section 3-6 of the Town Code of Ordinances.

- a. ~~ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;~~
- b. ~~ADUs shall have permanent access to utilities;~~
- c. ~~ADUs must be on a permanent foundation;~~
- d. ~~Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;~~

- ~~e. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;~~
- ~~f. Two additional off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;~~
- ~~g. The ADU must be accessible from an existing driveway;~~
- ~~h. An ADU may not be sold separately from its principal dwelling unit;~~
- ~~i. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name; and~~

...

8.2. OPEN SPACE AND RECREATIONAL FACILITIES

...

8.2.6. Dedication or Fee-in-Lieu

The procedure for determining if a ~~subdivider~~ **developer of residential dwelling units** is to dedicate park land or pay a fee-in-lieu of dedication shall be as follows:

A. ~~Subdivider~~ **Developer of Residential Dwelling Units**

With the ~~subdivision plan~~ **submittal of a site-specific vesting plan**, the ~~subdivider~~ **developer** shall indicate whether the ~~subdivider~~ **developer** desires to dedicate park land or pay a fee-in-lieu. If proposing to dedicate park land, the ~~subdivider~~ **developer** shall indicate all areas proposed for dedication on the ~~subdivision~~ **site-specific vesting plan**.

...

8.3. STREETS

...

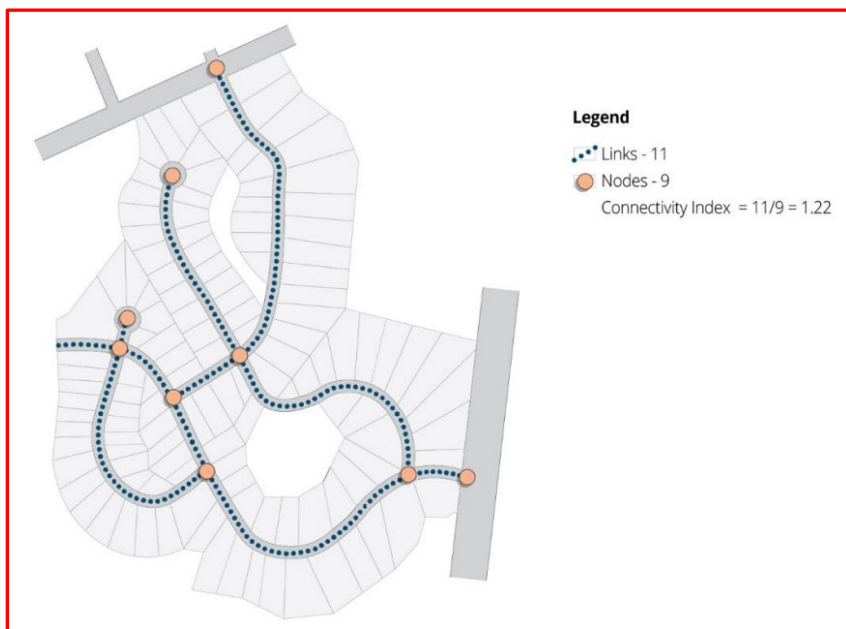
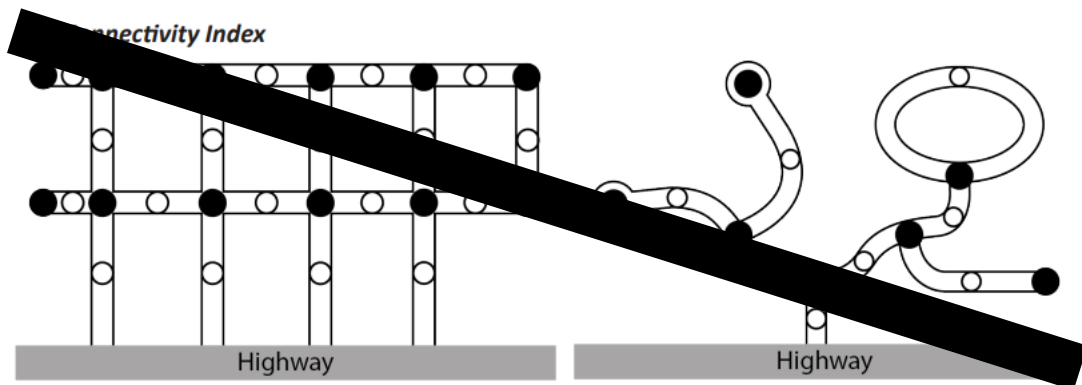
8.3.3. Layout and Coordination

...

B. Connectivity Index

1. A connectivity index shall be used to determine the street layout adequacy. The connectivity index shall be calculated as the ratio of street links to street nodes.

2. For purposes of this Section, the following definitions shall apply:
 - a. Links are defined as road sections between intersections **or road sections from an intersection to a**-street stub-outs, **and or** cul-de-sac heads.
 - b. Nodes are defined as intersections and cul-de-sac heads.



The graphic above illustrates a high-connectivity grid (left) with a connectivity index of approximately 1.6 and a low-connectivity curvilinear layout (right) of approximately 1.1. A perfect grid network has a connectivity index of 2.0.

8.4 UTILITIES

...

8.4.14. As-built Drawings Required

...

- B. If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built drawings furnished by the developer of all other utilities.

ARTICLE 9. SITE AND BUILDING DESIGN AND PARKING

9.1. ~~PURPOSE~~ SITE DESIGN STANDARDS

~~If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built drawings furnished by the developer of all other utilities.~~
The Town will maintain as-built Site Design Standards

9.1.1. Purpose

...

9.3. PARKING AND LOADING REQUIREMENTS

...

9.3.7. Vehicle Accommodation Areas (VAA)

- A. Design of VAAs shall meet the following standards:
 - 1. Vehicles shall exit the VAA without backing into a public street. This provision shall not apply to driveways serving a single dwelling unit or areas accessed from a minor local street.
 - 2. Vehicles shall not overhang property lines, obstruct public rights-of-way or sidewalks, conflict with vegetation, or damage any structure.
 - 3. VAAs shall not pose a danger to pedestrians or other motorists.
 - 4. ~~VAAs may not interfere with parking areas.~~
 - 5. Dead-end parking areas are prohibited unless a turnaround space is striped, signed and provided.

...

- ~~G. Head-in or angled parking spaces shall be separated from walkways by at least four feet.~~

- H.G. Where **head-in, angled, or** parallel parking spaces abut a sidewalk or pedestrian way a **minimum** additional two feet of clearance from the parking shall be provided.

10.7. VEHICULAR SURFACE AREAS

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10.7.2. Landscaping Islands

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E. Median Islands

1. Median islands shall have a minimum of eight feet inside the curb.
2. Median islands shall be sited between every ~~six~~ **four** single parking rows and continuously along primary internal and external access drives.
3. Median intervals may be expanded in order preserve existing trees of greater than six inches diameter at breast height

...

10.10. SCREENING OF OBJECTIONABLE VIEWS

...

10.10.6. Screening of Industrial or Utility Properties

- A. Fencing, walls, hedges, landscaping, berms, natural areas, or any combination thereof shall be provided to obscure uses or any portion of a use with potential external impacts.

...

- ~~2. No buffering or screening is required in side or rear yards between parcels zoned industrial.~~

- 32.** The minimum vegetative buffer between an industrial subdivision and vacant adjacent lots shall be at least 15 feet wide. If the perimeter buffer table in *Section 10.6.* requires a buffer width greater than 15 feet, the minimum width shall meet or exceed the standard in the table.

11.3. TREE CONSERVATION, PRESERVATION, AND PROTECTION

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11.3.4. Tree Canopy Preservation Requirements

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D. Tree Canopy Preservation Requirements

...

3. For development within the TBD district:

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%

...

12.3. PERMANENT SIGN QUANTITY AND DIMENSIONAL STANDARDS

12.3.1. General Standards

ZONING DISTRICT	SIGN TYPE	MAXIMUM TOTAL SIGN AREA PER LOT	MAX NUMBER	MAX HEIGHT
RESIDENTIAL DISTRICTS (RA, R2, R4, R8, MF-A, MF-B, RMH)	Freestanding: Permitted Home Occupations and Overnight Accommodation Uses	4 square feet	1	4 feet
	Freestanding: Non-Residential and Non-Overnight Accommodation Uses	32 square feet	1	5 feet
	Wall: Non-Residential Uses	24 square feet	1	5 feet
	Residential Subdivision Signs	See 12.3.4.D.		
NON-RESIDENTIAL AND MIXED-USE DISTRICTS (NMX, CMX, TBD, AC, LI, HI)	Freestanding: 100 square feet maximum total all freestanding and wall signs	60 square feet	1 per street frontage, 2 maximum	12 feet
	Wall	10 percent of wall area	1 per street frontage, 3 maximum	n/a
	Projecting signs	10 square feet	1 per street frontage, 2 maximum	2

13.2. DEFINED TERMS

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13.2.22. V

...

Vehicular Surface Area. The ~~paved or non-paved~~ area intended for vehicular circulation or storage **that is paved with permanent pavement.** Square footage calculations shall include the total of all vehicular surface areas located in the street, side, and rear yards. This ~~section~~ **definition** does not apply to single-family residential use or parking structures. ~~Any vehicular surface area, or portions thereof, built after the adoption of this Section, where area is expanded by 25 percent or more, shall be landscaped as required.~~

...

13.2.25. Y

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Yard, side. The portion of a lot bounded by side lot line(s) and the side line of a principal building or structure (or use in the absence of a principal building or structure), extending the full length of the building, structure, or use and not including any front or rear yard. **Where the side lot line is a street right-of-way, that yard may also be more specifically referred to as a corner side yard.**

Reports



Town Manager's Office Memorandum

TO: Mayor and Town Council

FROM: Rodney Dickerson, Town Manager

DATE: October 30, 2023

SUBJECT: November 2023 Pending Agenda Items

The following items are currently planned for the November 2023 Council Meetings. These items are subject to change.

Monday, November 6 – Regular Meeting

Presentations Proclamation recognizing November as Hunger Action Month

Consent Council appointee to GVFR Board

Public Hearings - SUP-SP-22-08, Gregory Poole
- CZ-23-01, Jones Sausage Assemblage
- Walters Buffaloe Development Agreement Amendments

Old/New Business - White Oak/Bryan Road Spot Agreements
- Garner Forward Comprehensive Plan Adoption

Reports None at this time

Tuesday, November 21 – Regular Meeting

Presentations None at this time

Consent - ANX-23-02, 401 Crossing, Set Public Hearing

Public Hearings - CZ-SB-20-09, Wilmington Townes
- SUP-SP-17-30 M23-01, Saad Building Addition
- CZ-MP-22-14, Vintage Garner (continued – no need to re-advertise)

Old/New Business - CZ-MP-22-06, Ackerman Road
- Pedestrian Plan Adoption
- CZ-PD-22-04 E. Garner Road Assemblage/Park at Garner Station (tentative)
- Park at Garner Station Development Agreement (tentative)

Reports None at this time

Tuesday, November 28 – Work Session

- Discussion
- Noise Ordinance Amendments
 - Signature Authority Resolution
 - Public Art Initiative
 - Economic Development Update