

ORDINANCE NO. (2024) 5286a

**AN ORDINANCE TO AMEND ORDINANCE NO. (2022) 5132 ENTITLED
“THE ‘GARNER FORWARD’ TOWN OF GARNER UNIFIED DEVELOPMENT ORDINANCE
FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION”
REGARDING MATTERS OF IMPLEMENTING THE 2024 GARNER COMPREHENSIVE PLAN**

WHEREAS, the Town Council has conducted a public hearing and received a written recommendation from the Planning Commission regarding zoning text amendment case # ZTA-23-02 in keeping with the requirements of Section 4.6.3. of the Town of Garner Unified Development Ordinance; and

WHEREAS, the Town Council finds that ZTA-23-02 directly responds to various needs to align the Unified Development Ordinance with the recommendations of the Town’s Comprehensive Plan, and therefore, this request to amend the Unified Development Ordinance is consistent with the Town’s adopted land use plans; and

WHEREAS, the Town of Garner Planning Commission reviewed this case at their regular meeting of June 10, 2024, and unanimously recommended approval to the Town Council;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER HEREBY ORDAINS:

Section One. That Section 4.7.4. subsection A. be amended to read as follows:

4.7.4. Special Use Permit

Special use permits, as defined in G.S. § 160D-102(30) and described in G.S. § 160D-705(c), are required for uses which in an unmitigated state may create negative impacts to neighboring properties or uses. This process allows each proposed use to be evaluated by its merits and conditions specific to each site.

A. Applicability

Except for those uses listed in subsection 3, in addition to the other special uses listed in the use table in *Article 6. Use Regulations*, the following development types have significant city-wide impacts and require special use permits:

1. Any nonresidential or mixed-use development with an individual building(s) encompassing 100,000 square feet of gross floor area or more, except that this threshold shall be 250,000 square feet of gross floor or more for:
 - a. development within the Activity Center (AC) zoning district; or
 - b. development on a tract already within the corporate limits of the Town of Garner at the time of site-specific development application.
2. Any residential development or subdivision involving 200 dwelling units or more.

3. The following development types do not require a special use permit due to their recognized substantial economic and social benefits to the Town:
 - a. Research & Development
 - b. Hospital
 - c. Ambulatory Health & Emergency Care Facility

Section Two. That Section 5.9.1. subsection C. be amended to read as follows:

5.9.1. Nonresidential Development Standards

- C. Nonresidential and mixed-use buildings (including those with upper story residential use as noted in Figure 5.9-A) in the CMX district may exceed the designated height limit, provided the depth of the required front, rear and side yards shall be increased by a minimum of 0.5 feet for each foot, or fraction thereof, of building height exceeding the standard, or that the building may be designed with a stepped profile to achieve the same outcome.

Section Three. That Section 6.1. "Use Tables" be amended to read as follows:

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		
...															
CIVIC AND INSTITUTIONAL USE CATEGORY															
...															
Hospital									P			P	P	6.5.4.K.	
Ambulatory Health & Emergency Care Facility									P			P	P	6.5.4.J.	
...															
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY															
...															
Research and Development									P				P	P	6.9.5.O.
...															

Section Four. That Section 6.9.5. be amended to add a new subsection O. to read as follows:

6.9.5. Specific Uses

- O. Research and Development

1. Defined

An establishment primarily engaged in nanotechnology and biotechnology research and experimental development, or in conducting research and experimental development in the physical, engineering, cognitive and life sciences, such as agriculture, electronics, ecology, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary and other allied subjects.

2. Use Standards

(None)

Section Five. That Section 9.3.5.'s Table of Parking Requirements be amended to read as follows:

9.3.5. Off-Street Parking Requirement

TABLE OF PARKING REQUIREMENTS	
USE	MINIMUM NUMBER OF VEHICLE SPACES
...	
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY	
...	
Research and Development	1.0 spaces per 1,000 square feet of gross floor area
...	

Section Six. That throughout the UDO, corrections of any errors in cross-references, citations, etc. in sections of the original adopted UDO brought about by the amendments within this case are made.

Section Seven. That all ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 6th day of August 2024.


MAYOR

ATTEST: 
TOWN CLERK

APPROVED AS TO FORM: 
TOWN ATTORNEY