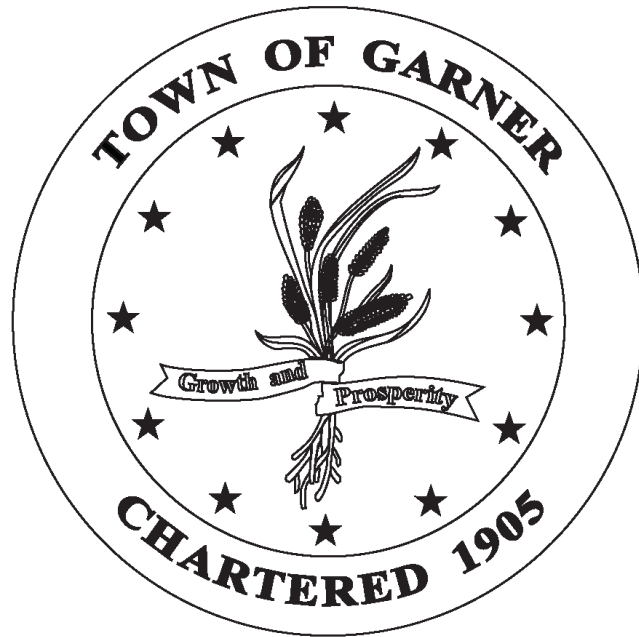


Town of Garner



Work Session Meeting
November 26, 2024

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Meeting Agenda
November 26, 2024**

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 Buddy Gupton
- B. ADOPTION OF AGENDA
- C. PRESENTATIONS
- D. DISCUSSION/REPORTS
 - 1. ZTA-24-001, Implementing Residential Building Typology in Neighborhoods and Mixed Use Areas..... Page 4
Presenter: Jeff Triezenberg, Planning Director

Discussion concerning a proposed second round of text amendments aimed at implementing objectives largely tied to implementing residential building typology in Neighborhoods and Mixed-Use Areas. General topics include but are not limited to: Use tables for Residential and Mixed-Use zoning districts, measurements and exceptions, residential district development standards, transportation corridor overlays, residential use category regulations, and definitions.

Action: Receive as information. Consider providing feedback and directing staff to revise and discuss again in January 2025.
 - 2. Stormwater Overview..... Page 36
Presenter: Leah Harrison, Engineering Director

Staff will present an overview of the Town of Garner Stormwater Requirements.

Action: Receive as information.
 - 3. Zoning Text Amendment # ZTA-24-002, New Stormwater Requirements for Nitrogen Control..... Page 43
Presenter: Leah Harrison, Town Engineer

Zoning text amendment (ZTA-24-002) submitted by the Garner Engineering Department to amend Section 11.2, Stormwater Program for Nitrogen Control to include language from the program's overall document that was previously adopted as an appendix to the UDO and simplify enforcement of operations and maintenance (O&M) agreements, and stormwater control measures (SCMs).

Action: Consider directing Town staff to schedule public hearing for January 21, 2025.

E. MANAGER REPORTS
- Pending Agenda

F. ATTORNEY REPORTS

G. COUNCIL REPORTS

H. CLOSED SESSION

I. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 26, 2024		
Subject: ZTA-24-001, Implementing Residential Building Typology in Neighborhoods and Mixed-Use Areas		
Location on Agenda: Discussion		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Discussion concerning a proposed second round of text amendments aimed at implementing objectives largely tied to implementing residential building typology in Neighborhoods and Mixed-Use Areas. General topics include but are not limited to: Use tables for Residential and Mixed-Use zoning districts, measurements and exceptions, residential district development standards, transportation corridor overlays, residential use category regulations, and definitions.		
Recommended Motion and/or Requested Action: Receive as information. Consider providing feedback and directing staff to revise and discuss again in January 2025.		
Detailed Notes: See attached staff report.		
Funding Source:		
Cost: None	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:	JM	
Town Clerk:		



PLANNING MEMORANDUM

DATE: November 26, 2024
TO: Honorable Mayor Gupton and Town Council Members
FROM: Jeff Triezenberg, AICP, GISP; Planning Director
SUBJECT: Zoning Text Amendment # ZTA-24-001, Implementing Residential Building Typology in Neighborhoods and Mixed-Use Areas

I. BACKGROUND

This memo sets out proposals for a second round of text amendments to the UDO aimed at better implementing the goals and objectives of the 2023 Garner Forward Comprehensive Plan. Specifically, this amendment package focuses on implementing residential building typology (pages 66 – 71) in Neighborhoods and Mixed-Use Areas (pages 50 – 51 and 56 – 59).

GENERAL PLAN GUIDANCE:

Building and Site Design Considerations presented on pages 66 through 71.

As noted on page 50 of the Plan (Neighborhoods Description):

“New neighborhoods are required to provide different home types on different lot sizes that vary enough to provide a range of home choices in the same neighborhood. Some new neighborhoods may mix home types, lot sizes, or home sizes on the same block and provide accessory dwelling units. ... Multifamily development in a new neighborhood should consider choices such as duplexes, triplexes, quadplexes, or cottage courts to create more variety in terms of size and scale of buildings. ... Neighborhoods are primarily residential in nature but may include limited civic or ancillary non-residential uses.”

As noted on page 56 of the Plan (Mixed-Use Areas Description):

“This typology describes land offering the opportunity to serve broader economic, entertainment, and housing needs in the community. ... Residential units or office space may be found above storefronts. ... Homes in and surrounding the center of development may offer several choices to live and experience the mixed-use area – including, but not limited to, home choices such as apartments, condominiums, townhouses, duplexes, triplexes or quadplexes – and accessory dwelling units.”



AMENDMENT CONSIDERATIONS:

- Eliminate redundant regulatory language and clarify by moving or expanding language where needed.
- Update land use type names and definitions to be more consistent with the Building Code.
- Add appropriate new uses such as live-work units (described on page 71 of the Plan) and establish ancillary nonresidential uses more intense than home occupations but still restricted to house-scale.
- Incentivize preferred neighborhood design through streamlining processes and providing density bonuses where appropriate.
- Amend use table to ensure the appropriate mix of residential and nonresidential uses are permitted in each zoning district to allow this to occur.
 - Update R8 district to allow a full range of residential from single-family detached to house-scale townhomes and upper story residential (like live-work units) – along with appropriate nonresidential uses (regular office, daycare, small footprint retail, small footprint personal and professional services) – perhaps with extra special use permit scrutiny to ensure an overall house-scale massing throughout.
 - Update MF-A districts to focus on small-format multifamily, townhomes and larger walk-up multifamily – along with appropriate non-residential uses (regular office, daycare, small footprint retail, small footprint personal and professional services) in a suburban setting.
 - Update MF-B district to focus on elevatored residential and neighborhood supporting nonresidential uses in an urban setting.
 - Update NMX district to focus on permitting larger nodes of mixed and nonresidential immediately adjacent to residential-only neighborhoods in a suburban setting.

II. PROPOSED UDO TEXT CHANGES

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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. Any building whose permitted uses from the Residential Use Category is restricted to Upper-Story Residential use only shall not have those dwelling units counted towards the 200 dwelling unit threshold.
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

...

5.4.8. Building Height Limitations

A. Measurement

1. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building. This data shall be provided by the landowner, applicant or other authorized agent.

Building height measurement

(No change to graphic)

Measuring from the front of the structure allows a consistent and intuitive building frontage along the street (or central green/common courtyard for certain rear- or alley-loaded structures).

~~B. Roofs with slopes greater than 75 percent are regarded as walls.~~

~~C. Exceptions to Height Limits~~

Unless otherwise expressly stated, the height limitations of this UDO shall not apply to any of the following:

- 1. Electrical power transmission lines;
- 2. Flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues; and
- 3. ~~3~~Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area comprising the horizontal plane of the roof.

5.5.2. Residential (R2, R4, R8) Districts

...

C. Residential 8 (R8)

The R8 district is a dense, residential district with urban character and potentially a mix of low-impact nonresidential and mixed-use structures at select locations. Triplexes, Quadplexes and house-scale multifamily units townhouse structures are also appropriate and add to the diversity of the



neighborhood. These neighborhoods are very walkable and often border or are within a short distance (typically no more than ½ mile) of commercial or mixed-use districts where shopping, retail, and services exist. The R8 district may also provide a transition from more commercially active districts to lower density ~~single-family residential~~ districts.

5.5.3. Multifamily (MF-A, MF-B) Districts

These districts are designed to create and maintain dense residential neighborhoods composed primarily of large-scale townhouse structures, multifamily residences, and in select locations those service, institutional, commercial, public, and other compatible uses along with upper-story residential that are so designed, constructed, and maintained so that they do not distract from the quality of the neighborhood as a place for healthful, quiet, and aesthetically pleasing residential living. These districts may also provide a transition between the ~~single-family residential~~ districts and more active nonresidential or ~~mixed-use~~ areas. ~~Higher density multifamily residential developments may also require easy access to high-capacity transportation facilities.~~ The density found in these districts necessitates a high-quality, walkable neighborhood with pedestrian infrastructure and private or public outdoor recreation facilities, although in some instances commercial and mixed-use areas may provide adequate “third places” – the social surroundings separate from the two usual social environments of home (“first place”) and the workplace (“second place”).

A. Multifamily A (MF-A)

The MF-A district is intended to primarily accommodate neighborhood-scale multifamily dwellings, including ~~duplexes du-, tri-, and quadplexes, lower unit count house-scale townhomes and other housing-scale multifamily products~~ walk-up multifamily (apartments/condos). ~~Multifamily dwellings in this district are low impact and can fit into existing single-family neighborhoods without excessive disruption of the character of the neighborhood.~~ Some nonresidential or mixed-use structures and uses may also occur.

B. Multifamily B (MF-B)

The MF-B district is intended to primarily accommodate more intense multifamily uses with larger elevated structures that contain more units. Structures are more urban in character and are located closer to the street than in the MF-A District with parking generally in the rear. These multifamily developments require easy access to high-capacity transportation facilities and generally are clustered around active areas and allow people to live closer to places where they work and play. Some nonresidential or mixed-use structures and uses ~~may should~~ also occur, allowing people to live closer to places where they may work and play.

5.6.1. Standards for All Residential Development

...

- D. When lots are narrower than 40 feet, or where there are shared lots for house-scaled buildings as described in Sections 5.6.6 and 5.6.7 and the per unit average lot size width is narrower than 40 feet, rear- or alley-loaded parking is required. This is intended to prevent driveways that are so close together that on-street parking is not feasible.
- E. ~~Except for mixed-use structures with upper-story residential, all front-loaded single-family detached residential, duple, townhome, and house-scale multifamily residential structures in the RA, R2, R4, R8, MF-A or NMX districts shall have no more than 40 percent of the front yard area covered by impervious surfaces.~~

FE. Homeowners Association (HOA)

HOA declaration and by-law documents shall be submitted to the Town of Garner for review by the Town Attorney.

...

5.6.2. Standards for All Single-Family Detached and Duplex/Triplex/Quadplex Residential Development

...

5.6.3. Single-Family Detached and Duplex/Triplex/Quadplex Standards for Front- and Side-loaded Lots

Figure 5.6-A: Front- and side-loaded single-family detached and duplex/triplex/quadplex

(update graphic)

A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

Figure 5.6 B: Corner and front loaded duplexes

(eliminate graphic)

A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

- A. Impervious surface associated with parking, pedestrian access, service areas, and driveways ~~for front or side-loaded single-family detached residences and duplexes~~ may not occupy more than 40 percent of the front yard for front-loaded single-family detached residences and duplexes/triplexes/quadplexes or more than 33 percent of the combined front and side (corner) yard for side-loaded single-family detached residences and duplexes/triplexes/quadplexes.
- B. Duplex/Triplex/Quadplex Driveways
 1. If a shared driveway(s) is used, it shall have a standard driveway width until it crosses the right-of-way line and then may flare out or diverge to access each individual dwelling unit.



2. If a single shared driveway is not used, ~~the individual driveways in the same yard~~ shall be located close together. A planting strip may be located between the driveways provided that it is at least three feet ~~wide~~ but no more than six feet wide.
3. Duplexes/triplexes/quadplexes on corner lots are encouraged to have their driveways access separate both streets.

Figure 5.6-~~CB~~: Standards for Front-loaded Single-Family Detached and Duplexes/Triplex/Quadplex

DIMENSIONAL STANDARDS FOR FRONT-LOADED SINGLE-FAMILY DETACHED AND DUPLEXES/TRIPLEX/QUADPLEX					
	RA	R2	R4	R8	MF-A₂ NMX
Minimum Lot Width; Single-family detached / <u>Duplex-, Tri-, Quadplex</u> (where applicable) (Feet)	100	80 / 100	60 / 80	45 / 65	45 / 60
Minimum Front Setback (Feet)	35	35	25	25	25
Minimum Rear Setback (Feet)	25	25	20	20	20
Minimum Side (Interior) Setback; Single-family <u>detached / Duplex-, Tri-, Quadplex</u> (Feet)	10	10 / 15	10 / 15	6 / 10	6 / 10
Minimum Side (Corner) Setback (Feet)	25	25	20	10	10
Maximum Height (Feet)	35	35	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	1	2	4	8	20

5.6.4. Single-Family Detached and Duplex/Triplex/Quadplex Standards for Rear- or Alley-loaded Lots

Figure 5.6-~~DC~~: Rear- or alley-loaded single-family detached and duplexes/triplex/quadplex

(update graphic)

A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

Figure 5.6-ED: Standards for Rear- and Alley-loaded Single-Family Detached and Duplexes/Triplex/Quadplex

DIMENSIONAL STANDARDS FOR REAR- AND ALLEY-LOADED SINGLE-FAMILY DETACHED AND DUPLEXES/TRIPLEX/QUADPLEX					
	<u>RA</u>	<u>R2</u>	<u>R4</u>	<u>R8</u>	<u>MF-A₂</u> <u>NMX</u>
Minimum Lot Width; Single-family detached / Duplex, Tri-, Quadplex (where applicable) (Feet)	<u>100</u>	<u>80 / 100</u>	60 / 80	45 / 65	35 / 50
Minimum Front Setback (Feet)	<u>25</u>	<u>25</u>	10	10	10
Minimum Rear Setback (Feet)	<u>20</u>	<u>20</u>	20	20	15
Minimum Side (Interior) Setback; Single-family detached / Duplex, Tri-, Quadplex (Feet)	<u>10</u>	<u>10 / 15</u>	6 / 10	6 / 10	6 / 10
Minimum Side (Corner) Setback (Feet)	<u>25</u>	<u>25</u>	20	10	10
Maximum Height (Feet)	<u>35</u>	<u>35</u>	35	35	35
Maximum Gross Density (Dwelling Units per Acre – 25% Bonus for Rear- and Alley-loaded)	<u>1.25</u>	<u>2.5</u>	4 <u>5</u>	8- <u>10</u>	20 - <u>25</u>

5.6.5. Standards for All Townhome and Multifamily Development

To the extent they do not conflict with G.S. § 160D-702(b), the following standards apply:

- A. Side yards are not required between connected dwelling units.
- B. Lots are required to have frontage on a public street.
- C. Townhome Minimum Lot Size

There is no minimum size for individual units; density is controlled by district regulations.

- D. House-Scaled Townhome ~~and Multifamily~~ Structures

1. Defined

The term “house-scaled” includes townhome ~~and multifamily~~ structures with ~~three or two~~ two to four dwelling units up to a maximum 2,500 square foot footprint. These structures are specifically identified as compatible with and appropriate for integration into primarily single-family detached residential neighborhoods if the design criteria of this subsection are met. They are also appropriate as a transition to denser multifamily housing or commercial districts and may appear along the edges of predominantly single-family residential detached neighborhoods.

2. Design Criteria



- a. In order to prevent a wind-tunnel effect, the minimum structure separation is regulated for all townhome structures ~~and for multifamily structures with fewer than five dwelling units~~ according to the standards set forth in the respective dimensional standards table. ~~These standards apply whether the structure are on the same or separate lots.~~
- b. Where end units have gabled, parapet, or non-hipped roofs, the side setback or structure separation is increase by five feet.

E. Upper-Story Residential

- 1. Mixed-use developments shall adhere to the setback and dimensional standards for nonresidential development in the respective district.
- 2. Density is the same as for multifamily development with greater than four dwelling units per structure, in the respective district.
- 3. Where upper-story residential exists in other districts, residential density shall not be expressly limited, although it will likely be restricted by other dimensional standards within the district.

5.6.6. House-Scaled Townhome ~~and Multifamily~~ Standards for Front-loaded Lots/Structures Up to 2,500 Square Foot Footprint

Figure 5.6-~~FE~~: Front-loaded house-scale townhome ~~or multifamily~~

(update graphic)

A = Lot width

A₁ = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

- A. Any parking areas in the front yard must be sufficiently deep enough that they do not encroach on the right-of-way or pedestrian ways. Garage doors shall be set back at least 25 feet from the sidewalk to allow for parking and passage of pedestrians between the parked vehicle and the structure.
- B. Impervious associated with parking, pedestrian access, service areas, and driveways for front-loaded house-scaled townhomes ~~or multifamily~~ structures may not occupy more than 70 percent of the front yard, measured as an average or aggregate for the entire structure.

Figure 5.6-~~GF~~: Standards for Front-loaded House-scale Townhomes ~~and Multifamily Residential~~ Structures

DIMENSIONAL STANDARDS FOR FRONT-LOADED HOUSE-SCALE TOWNHOMES AND MULTIFAMILY RESIDENTIAL STRUCTURES (UP TO 2,500 SQ FT FOOTPRINT)			
	R4, R8	R8, MF-A	MF-A, NMX, CMX

Minimum Lot Width for the whole structure; <u>2 units / 3 units / 4 units</u> (Feet)	110 / 120 <u>80 / 105 / 130</u>	110 / 120 <u>80 / 100 / 120</u>	<u>80 / 100 / 115 / 110 / 120</u>
Minimum width for each dwelling unit (Feet)	16 <u>24</u>	16 <u>20</u>	16
Minimum Front Setback (Feet)	25	25	25
Minimum Rear Setback (Feet)	20	20	20
Minimum Side (Interior) Setback; <u>End Units</u> (Feet)	15	15	15 <u>10</u>
Minimum Side (Corner) Setback (Feet)	20 <u>15</u>	15	15
Maximum Height (Feet)	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	5 <u>8</u>	10 <u>20</u>	20
Note: Front-loaded House-scale Townhomes are not permitted in the MF-B district.			

5.6.7. House-Scaled Townhome, and Multifamily, and Live-Work Unit Standards for Side-, Rear- or Alley-loaded Accessed Lots/Structures Up to 2,500 Square Foot Footprint

Figure 5.6-HG: ~~Rear or alley-loaded house-scale townhome or multifamily~~

(update graphic)

A = Lot width

A₁ = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Dash/dot/dash line = Potential/optional lot line for duplex/multifamily

- A. Rear- or alley-loaded townhomes shall have parallel, on-street parking in the front. If the townhomes are fronting a central green or common courtyard with no vehicular accommodation areas (VAA), then an equivalent number of parking spaces shall be provided in an accessible adjacent, off-site parking location.

Figure 5.6-IH: Standards for ~~Alley or Rear- or Alley-loaded House-scale Townhomes and Multifamily Residential Structures~~

DIMENSIONAL STANDARDS FOR FRONT REAR- OR ALLEY-LOADED HOUSE-SCALE TOWNHOMES AND MULTIFAMILY RESIDENTIAL STRUCTURES (UP TO 2,500 SQ FT FOOTPRINT)				
	R4	R8	MF-A, NMX, CMX	MF-B-NMX



Minimum Lot Width for the whole structure; <u>2 units / 3 units / 4 units</u> (Feet)	110 / 120	<u>70 / 85 / 100</u> 90 / 100	<u>60 / 75 / 90</u> 75 / 95	<u>45 / 60 / 80</u> 55 / 70
Minimum width for each dwelling unit (Feet)	16	16	16	16
Minimum Front Setback (Feet)	10	10	10	10
Minimum Rear Setback; from rear lot line and alley; primary structure / attached garage (Feet)	25 / 6	20 / 6	15 <u>20</u> / 6	15 / 6
Minimum Side (Interior) Setback; <u>End Units</u> (Feet)	15	15 <u>10</u>	6 <u>10</u>	6
Minimum Side (Corner) Setback (Feet)	20	10	10	6
Maximum Height (Feet)	35	35	35	45
Maximum Gross Density (Dwelling Units per Acre – <u>25% Bonus for Rear- and Alley-loaded</u>)	5	10	20	50 <u>20</u>

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

- A. The following standards apply to townhome and multifamily developments of greater than four dwelling units per structure or with a footprint greater than 2,500 square feet, where permitted, or to other multifamily structures not regulated elsewhere in this Article.

Figure 5.6-1: Large-scale townhome or multifamily structure

(update graphic)

A = Lot width

A₁ = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

~~Dash/dot/dash line = Potential/optional lot line for duplex/multifamily~~

- B. Wherever townhome and multifamily structures with more than four dwelling units per structure abut single-family detached residential or duplex/triplex/quadplex structures, the adjoining minimum setbacks shall be increased by 10 feet.
- C. In all districts, the maximum building height at any given point may be increased by up to 12 additional feet at a rate of one foot in height for every additional foot of setback from all property lines.

D. Driveways for individual dwelling units are not permitted. All off-street parking must be in the form of shared parking lots accessed from alleys or internal private drives.

Figure 5.6-KJ: 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	MF-B
Minimum Lot Size, for the first five dwelling units (<u>Square</u> Feet)	24,000	24,000	24,000
Minimum Lot Width, per structure (Feet)	60	60	60
Minimum Front 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) – <u>unless higher maximum allowed by overlay district</u>	35	45	60
Maximum Gross Density (Dwelling Units per Acre)	20	30	50

5.14.3. Limited Access Highway (LHO) Overlay District

...

C. Use Regulations

1. Restricted Uses

- a. The following uses are permitted only if site plans are approved which assure that these uses will have no visible outdoor storage or operations adjacent to the highway:
 - i. Truck service centers (truck stops).
 - ii. Vehicle sales.
 - iii. Uses with storage for retail such as lumber yards, heavy equipment dealers, and similar uses.
- b.—Such site plans shall indicate that all outdoor storage and operation will be located in the yard space farthest away from the highway and on the far side of the principal buildings.
- e.—Outdoor display (as differentiated from outdoor storage) shall consist of only a sampling of wares sufficient to convey what is sold and is permitted in industrial zones only on a limited basis (maximum 25 percent o square footage of the primary structure) in accordance with the approved site plan.



- b. No subdivision for residential use other than Multifamily (>4 units per structure or over 2,500 sq ft footprint) or Upper-Story Residential shall be permitted within the first 300 feet of the overlay district as measured according to Subsection B herein.

2. Prohibited Uses

The following uses are prohibited:

- a. Truck terminals.
- b. Mobile home parks.
- ~~c. Subdivisions.~~
- ~~d.~~ c. Mobile home sales lots.
- e. Scrap material salvage yards, junkyards, automobile graveyards.
- ~~f.~~ e. Sanitary (reclamation) landfill.
- ~~g.~~ f. Body shops.
- ~~h.~~ g. Storage of radioactive or otherwise hazardous wastes.
- ~~i.~~ h. Outside kennels.
- ~~j.~~ i. Drive-in theaters.
- ~~k.~~ j. Golf driving ranges.
- ~~l.~~ k. Water slides.
- ~~m.~~ l. Self-serve car washes.
- ~~n.~~ m. Solar farms.

...

6.1. USE TABLES

TABLE OF PERMITTED USES														
P = PERMITTED BY-RIGHT; SEE ADDITIONAL STANDARDS LISTED IN <i>ARTICLE 5</i> .; 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										Includes Modular Home; 6.4.4.A.
Two-Family Two- to Four-Family Dwelling (2 to 4 dwelling units per structure, aka Duplex/Triplex/Quadplex)		P	P	P		P		<u>P</u>						6.4.4.B.
Townhouse (3 or 2 to 4 2 to 4 dwelling units per structure <u>up to 2,500 sq ft footprint</u>)				P		P	P	P						6.4.4.C.
Townhouse (<u>>4 5 to 8</u> dwelling units per structure)						P	P	S	P	S				6.4.4.CD.

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Multifamily (triplex or quadplex up to 2,500 sq ft footprint)				<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>							6.4.4.D.
Multifamily (>4 units per lot structure or over 2,500 sq ft footprint)						P	P	S	<u>P</u> <u>S</u>						6.4.4.D.
Upper-Story Residential				<u>P</u>		P	P	P	P	P	P				6.4.4.E.
...															
Live-Work Unit				<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>					6.4.4.L.
CIVIC AND INSTITUTIONAL USE CATEGORY															
...															
Higher Education	S						<u>P</u>		P		P	P			Includes Business School/Satellite; 6.5.4.E.
...															
RECREATIONAL AND ENTERTAINMENT USE CATEGORY															
...															
Indoor Athletic or Entertainment Facility (not theater)							<u>P</u>	S	P	S	P	P			Including Gym, Spa, Indoor Pool, etc.; 6.6.4.E.
...															
COMMERCIAL, OFFICE, RETAIL, SERVICE USE CATEGORY															
...															
Other Office Uses Not Listed				<u>S</u>		<u>P</u>	<u>P</u>	P	P	P	P	P			6.8.4.A.
Medical Office							<u>P</u>	S	P	P	P	P			Includes Medical Clinic or Urgent Care Clinic; 6.8.4.B.
...															
Restaurant, Sit-down Establishment							<u>P</u>	P	P	P	P	P			6.8.4.D.
...															
Day Care Center				<u>S</u>		<u>P</u>	<u>P</u>	P	P		P				Includes Adult and Child Day Care, Family Child Day Care; 6.8.4.H.
Gym, Spa or Pool, <u>Private</u>							<u>P</u>	P	P	P	P				SF max for TBD; 6.8.4.I.
...															



Personal or Professional Services (up to 5,000 sq.ft ground floor footprint)				<u>S</u>		<u>P</u>	<u>P</u>	P	P	P	P	P		Including Hair Salons, art studio, dance studio (excludes commercial greenhouses or any use with outdoor operations; 6.8.4.L.
...														
Sales / Retail (no outdoor operations)							<u>P</u>	S	P	P	P	P		6.8.4.N.
...														
<u>Artisan Shop</u>				<u>S</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>6.8.4.U.</u>
...														

All nonresidential uses added to the MF-B district above would have the following standards added to their respective sections identified in the Notes column:

- In the MF-B district, use is only permitted on the first floor of buildings with an accompanying Upper-Story Residential use.

...

6.4.2. Examples

Examples include single-family residential uses, multifamily housing of all scales, townhomes, and mobile homes. Continuing care facilities where individual units meet the definition of a dwelling unit in Article 13. are also classified as household living. Group care can include boarding house or rooming house, family care home, immediate care home dormitories, monasteries, convents, group homes for persons with physical or mental disabilities, nursing care institutions, and some residential programs for drug and alcohol treatment.

6.4.3. Exceptions

- A. Lodging where tenancy may be arranged for periods of less than a month is classified in the overnight accommodations use category.
- ~~B. Lodging where the residents meet the definition of household and where tenancy is arranged on a month to month basis, or for a longer period is classified as household living.~~
- ~~C. Continuing care facilities where individual units meet the definition of a dwelling unit in Article 13. are classified as household living.~~

6.4.4. Specific Uses

...

- B. ~~Two-family~~ Two- to Four-Family Dwelling Unit (Duplex/Triplex/Quadplex)
 1. Defined

Two to four dwelling units in a single structure on a single lot ~~or on two lots where the dwelling units share a wall.~~
 2. Use Standards

(None)

C. Townhouse (Townhome, ~~Rowhome~~ Rowhouse)

1. Defined

A form of single-family attached dwelling in which ~~three~~ two or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. ~~A townhouse with only two units is classified as a duplex.~~

2. See *Article 9*. For more townhome regulations.

D. Multifamily (Apartment, Condominium)

1. Defined

~~Three~~ Five or more attached residential dwelling units in a single structure, with either shared entrances or shared parking areas. Also, multiple detached single unit residential structures, ~~or duplexes, triplexes or quadplexes~~ sharing parking areas on a single lot. Units are often stacked and at least one or more units does not have its only individual, ground-level entrance. ~~An apartment or condo with only two units is classified as a duplex.~~

2. See *Article 5*. and *Article 9*. for more multifamily apartment and condominium regulations.

...

G. Manufactured Home (Class B)

1. Defined

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. The structure exceeds 40 feet in length and eight feet in width.

2. Use Standards

- a. ~~Each home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the shorter axis.~~

(Note: Re-number subsections b. through f. as a. through e.)

...

K. Live-Work Unit

1. Defined

A detached or attached building(s) with one dwelling unit located either behind or above an adjacent flexible ground floor space that may be used for the following ancillary nonresidential uses: Other Office Uses Not Listed, Personal or Professional Services, Artisan Shop.



2. Use Standards

- a. The nonresidential ground floor space is limited to no more than 1,500 square feet or 40% of the total heated square footage, whichever is less.
- b. The footprint of the primary building may not exceed 2,500 square feet.
- c. The ancillary nonresidential use may not employ more than two non-resident persons.
- d. The lot shall be rear- or alley-loaded.
- e. The lot must be part of a block face that fronts a public or private street with on-street parking.
- f. Public entrance(s) to the ancillary nonresidential use shall front on an adjacent public or private street.
- g. Any activities involving outside visitors or clients shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

6.8.4. Specific Uses

...

U. Artisan Shop

1. Defined

A retail shop selling art, glass, ceramics, jewelry, and other handcrafted items, including an area for the crafting of the items being sold.

2. Use Standards

- a. In the R8, MF-A, MF-B and NMX districts, no outdoor display of goods for sale, operations, or storage permitted.
- b. Where permitted, outside display of goods for sale and/or outside storage areas with direct front along street rights-of-way must be screened to a minimum height of two and one-half feet planted every five feet on center at installation.
- c. For new development:
 - i. A maximum of 50 percent of the total property frontage may be devoted to outside display or storage of goods when vehicular parking areas (excludes vehicular loading/service areas) are located in the street yard space.
 - ii. A maximum of 66 percent of the total property frontage may be devoted to outside display or storage areas when vehicular parking /service areas are located in side or rear yards.
- d. For new development, all outside displays of goods for sale or outdoor storage areas shall have a minimum setback distance of 15 feet from the street right-of-way.

13.2.1. A

...

Artisan Shop. A retail shop selling art, glass, ceramics, jewelry, and other handcrafted items, including an area for the crafting of the items being sold.

...

13.2.1. L

...

Live-Work Unit. A detached or attached building(s) with one dwelling unit located either behind or above an adjacent flexible ground floor space that may be used for the following ancillary nonresidential uses: Other Office Uses Not Listed, Personal or Professional Services, Artisan Shop.

...

13.2.18. R

...

Rowhome or Rowhouse. See “Townhouse.”

...

13.2.20. T

...

Townhouse. A form of single-family attached dwelling in which ~~three~~two or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. ~~A townhouse with only two units is classified as a duplex.~~

...

Throughout the UDO – correction of any errors in cross-references, citations, etc. in sections of the original adopted UDO brought about by the amendments within this case.

III. PLAN CONSISTENCY

Following a public hearing and when considering a text amendment request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the proposal with the Town’s current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan does not preclude a request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

Staff offers that the Planning Commission shall review consistency with the following plans:

- 2023 Garner Forward Comprehensive Plan

IV. REASONABLENESS

For zoning text amendments, § 160D-605. Governing board statement - does not require the Council to make a statement on reasonableness; only a statement on plan consistency is required.

V. RECOMMENDATION

Receive initial feedback from Council prior to the Christmas holiday and direct staff to revise and return for further discussion at the regular work session of January 2025.



PLANNING

MEMORANDUM ATTACHMENT

DATE: November 26, 2024
TO: Honorable Mayor Gupton and Town Council Members
FROM: Jeff Triezenberg, AICP, GISP; Planning Director
SUBJECT: Zoning Text Amendment # ZTA-24-001 – DRAFT CLEAN VERSION

Red Text = New Text

Orange Text = Re-located Text

Blue Text = Re-numbering

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. **Any building whose permitted uses from the Residential Use Category is restricted to Upper-Story Residential use only shall not have those dwelling units counted towards the 200 dwelling unit threshold.**
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

...

5.4.8. Building Height Limitations

A. Measurement

1. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building. This data shall be provided by the landowner, applicant or other authorized agent.

Building height measurement

(No change to graphic)

Measuring from the front of the structure allows a consistent and intuitive building frontage along the street (or central green/common courtyard for certain rear- or alley-loaded structures).

B. Exceptions to Height Limits

Unless otherwise expressly stated, the height limitations of this UDO shall not apply to any of the following:

1. Electrical power transmission lines;
2. Flagpoles, belfries, cupolas, spires, domes, monuments, chimneys, radio/television receiving antennas, or chimney flues; and
3. Bulkhead, elevator, water tank, or any other similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area **comprising the horizontal plane** of the roof.

5.5.2. Residential (R2, R4, R8) Districts

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C. Residential 8 (R8)

The R8 district is a dense, residential district with urban character and potentially a mix of low-impact nonresidential and mixed-use structures at select locations. **Triplexes, Quadplexes and house-scale townhouse structures** are also appropriate and add to the diversity of the neighborhood. These neighborhoods are very walkable and often border or are within a short distance (**typically no more than ½ mile**) of commercial or mixed-use districts where shopping, retail, and services exist. The R8 district may also provide a transition from more commercially active districts to lower density **residential** districts.

5.5.3. Multifamily (MF-A, MF-B) Districts

These districts are designed to create and maintain dense residential neighborhoods composed primarily of **large-scale townhouse structures**, multifamily residences, and in select locations those service, institutional, commercial, public, and other compatible uses **along with upper-story residential** that are so designed, constructed, and maintained so that they do not distract from the quality of the neighborhood as a place for healthful, quiet, and aesthetically pleasing residential living. These districts may also provide a transition between the residential districts and more active nonresidential areas. The density found in these districts necessitates a high-quality, walkable neighborhood with pedestrian infrastructure and private or public outdoor

recreation facilities, although in some instances commercial and mixed-use areas may provide adequate “third places” – the social surroundings separate from the two usual social environments of home (“first place”) and the workplace (“second place”).

A. Multifamily A (MF-A)

The MF-A district is intended to primarily accommodate neighborhood-scale multifamily dwellings, including **du-, tri-, and quadplexes, house-scale townhomes and walk-up multifamily (apartments/condos)**. Some nonresidential or mixed-use structures and uses may also occur.

B. Multifamily B (MF-B)

The MF-B district is intended to primarily accommodate more intense multifamily uses with larger **elevatorred** structures that contain more units. Structures are more urban in character and are located closer to the street than in the MF-A District with parking generally in the rear. These multifamily developments **require easy access to high-capacity transportation facilities and** generally are clustered around active areas. Some nonresidential or mixed-use structures and uses **should** also occur, **allowing people to live closer to places where they may work and play.**

5.6.1. Standards for All Residential Development

...

D. When lots are narrower than 40 feet, or where there are shared lots **for house-scaled buildings as described in Sections 5.6.6 and 5.6.7** and the **per unit** average lot **width** is narrower than 40 feet, **rear- or alley-loaded parking** is required. This is intended to prevent driveways that are so close together that on-street parking is not feasible.

E. Homeowners Association (HOA)

HOA declaration and by-law documents shall be submitted to the Town of Garner for review by the Town Attorney.

...

5.6.2. Standards for All Single-Family Detached and Duplex/Triplex/Quadplex Residential Development

...

5.6.3. Single-Family Detached and Duplex/Triplex/Quadplex Standards for Front- and Side-loaded Lots

Figure 5.6-A: Front- **and side-loaded** single-family **detached** and duplex/**triplex/quadplex** *(update graphic)*

A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way



- A. Impervious surface associated with parking, pedestrian access, service areas, and driveways may not occupy more than 40 percent of the front yard for front-loaded single-family detached residences and duplexes/triplexes/quadplexes or more than 33 percent of the combined front and side (corner) yard for side-loaded single-family detached residences and duplexes/triplexes/quadplexes.
- B. Duplex/Triplex/Quadplex Driveways
 - 1. If a shared driveway(s) is used, it shall have a standard driveway width until it crosses the right-of-way line and then may flare out or diverge to access each individual dwelling unit.
 - 2. If a single shared driveway is not used, driveways in the same yard shall be located close together. A planting strip may be located between the driveways provided that it is at least three feet but no more than six feet wide.
 - 3. Duplexes/triplexes/quadplexes on corner lots are encouraged to have their driveways access both streets.

Figure 5.6-B: Standards for Front-loaded Single-Family Detached and Duplexes/Triplex/Quadplex

DIMENSIONAL STANDARDS FOR FRONT-LOADED SINGLE-FAMILY DETACHED AND DUPLEX/TRIPLEX/QUADPLEX					
	RA	R2	R4	R8	MF-A ₂ NMX
Minimum Lot Width; Single-family detached / Du-, Tri-, Quadplex (where applicable) (Feet)	100	80 / 100	60 / 80	45 / 65	45 / 60
Minimum Front Setback (Feet)	35	35	25	25	25
Minimum Rear Setback (Feet)	25	25	20	20	20
Minimum Side (Interior) Setback; Single-family detached / Du-, Tri-, Quadplex (Feet)	10	10 / 15	10 / 15	6 / 10	6 / 10
Minimum Side (Corner) Setback (Feet)	25	25	20	10	10
Maximum Height (Feet)	35	35	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	1	2	4	8	20

5.6.4. Single-Family Detached and Duplex/Triplex/Quadplex Standards for Rear- or Alley-loaded Lots

Figure 5.6-C: Rear- or alley-loaded single-family detached and duplexes/triplex/quadplex

(update graphic)

A = Lot width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

Figure 5.6-D: Standards for Rear- and Alley-loaded Single-Family Detached and Duplex/Triplex/Quadplex

DIMENSIONAL STANDARDS FOR REAR- AND ALLEY-LOADED SINGLE-FAMILY DETACHED AND DUPLEX/TRIPLEX/QUADPLEX					
	RA	R2	R4	R8	MF-A ₂ NMX
Minimum Lot Width; Single-family detached / Du-, Tri-, Quadplex (where applicable) (Feet)	100	80 / 100	60 / 80	45 / 65	35 / 50
Minimum Front Setback (Feet)	25	25	10	10	10
Minimum Rear Setback (Feet)	20	20	20	20	15
Minimum Side (Interior) Setback; Single-family detached / Du-, Tri-, Quadplex (Feet)	10	10 / 15	6 / 10	6 / 10	6 / 10
Minimum Side (Corner) Setback (Feet)	25	25	20	10	10
Maximum Height (Feet)	35	35	35	35	35
Maximum Gross Density (Dwelling Units per Acre – 25% Bonus for Rear- and Alley-loaded)	1.25	2.5	5	10	25

5.6.5. Standards for All Townhome and Multifamily Development

To the extent they do not conflict with G.S. § 160D-702(b), the following standards apply:

- A. Side yards are not required between connected dwelling units.
- B. Lots are required to have frontage on a public street.
- C. Townhome Minimum Lot Size

There is no minimum size for individual units; density is controlled by district regulations.

- D. House-Scaled Townhome Structures

1. Defined

The term “house-scaled” includes townhome structures with two to four dwelling units up to a maximum 2,500 square foot footprint. These structures are specifically identified as compatible with and appropriate for integration into primarily single-family detached residential neighborhoods if the design criteria of this subsection are met. They are also appropriate as a transition to denser multifamily housing or commercial districts and may appear along the edges of predominantly single-family residential detached neighborhoods.

2. Design Criteria



- a. In order to prevent a wind-tunnel effect, the minimum structure separation is regulated for all townhome structures according to the standards set forth in the respective dimensional standards table.
- b. Where end units have gabled, parapet, or non-hipped roofs, the side setback or structure separation is increase by five feet.

E. Upper-Story Residential

- 1. Mixed-use developments shall adhere to the setback and dimensional standards for nonresidential development in the respective district.
- 2. Density is the same as for multifamily development with greater than four dwelling units per structure, in the respective district.
- 3. Where upper-story residential exists in other districts, residential density shall not be expressly limited, although it will likely be restricted by other dimensional standards within the district.

5.6.6. House-Scaled Townhome Standards for Front-loaded Lots/Structures Up to 2,500 Square Foot Footprint

Figure 5.6-E: Front-loaded house-scale townhome

(update graphic)

A = Lot width

A₁ = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

- A. Any parking areas in the front yard must be sufficiently deep enough that they do not encroach on the right-of-way or pedestrian ways. Garage doors shall be set back at least 25 feet from the sidewalk to allow for parking and passage of pedestrians between the parked vehicle and the structure.
- B. Impervious associated with parking, pedestrian access, service areas, and driveways for front-loaded house-scaled townhome structures may not occupy more than 70 percent of the front yard, measured as an average or aggregate for the entire structure.

Figure 5.6-F: Standards for Front-loaded House-scale Townhome Structures

DIMENSIONAL STANDARDS FOR FRONT-LOADED HOUSE-SCALE TOWNHOME STRUCTURES (UP TO 2,500 SQ FT FOOTPRINT)			
	R8	MF-A	NMX
Minimum Lot Width for the whole structure; 2 units / 3 units / 4 units (Feet)	80 / 105 / 130	80 / 100 / 120	80 / 100 / 115
Minimum width for each dwelling unit (Feet)	24	20	16

Minimum Front Setback (Feet)	25	25	25
Minimum Rear Setback (Feet)	20	20	20
Minimum Side (Interior) Setback; End Units (Feet)	15	15	10
Minimum Side (Corner) Setback (Feet)	15	15	15
Maximum Height (Feet)	35	35	35
Maximum Gross Density (Dwelling Units per Acre)	8	20	20

5.6.7. House-Scaled Townhome, Multifamily, and Live-Work Unit Standards for Rear- or Alley-loaded Lots/Structures Up to 2,500 Square Foot Footprint

Figure 5.6-G: Rear or alley-loaded house-scale townhome

(update graphic)

A = Lot width

A₁ = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

- A. **Rear- or** alley-loaded townhomes shall have parallel, on-street parking in the front. If the townhomes are fronting a central green or common courtyard with no vehicular accommodation areas (VAA), then an equivalent number of parking spaces shall be provided in an accessible adjacent, off-site parking location.

Figure 5.6-H: Standards for Rear- or Alley-loaded House-scale Townhome Structures

DIMENSIONAL STANDARDS FOR REAR- OR ALLEY-LOADED HOUSE-SCALE TOWNHOME STRUCTURES (UP TO 2,500 SQ FT FOOTPRINT)			
	R8	MF-A	NMX
Minimum Lot Width for the whole structure; 2 units / 3 units / 4 units (Feet)	70 / 85 / 100	60 / 75 / 90	45 / 60 / 80
Minimum width for each dwelling unit (Feet)	16	16	16
Minimum Front Setback (Feet)	10	10	10
Minimum Rear Setback; from rear lot line and alley; primary structure / attached garage (Feet)	20 / 6	20 / 6	15 / 6
Minimum Side (Interior) Setback; End Units (Feet)	10	10	6



Minimum Side (Corner) Setback (Feet)	10	10	6
Maximum Height (Feet)	35	35	45
Maximum Gross Density (Dwelling Units per Acre – 25% Bonus for Rear- and Alley-loaded)	10	20	20

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

- A. The following standards apply to townhome and multifamily developments of greater than four dwelling units per structure, where permitted, or to other multifamily structures not regulated elsewhere in this Article.

Figure 5.6-I: Large-scale townhome or multifamily structure

(update graphic)

A = Lot width

A₁ = Dwelling unit width

B = Front setback

C = Rear setback

D = Side (interior) setback

E = Side (corner) setback

Dashed line = Potential building envelope, as defined by setbacks

Dash/dot/dot/dash line = Right-of-way

- B. Wherever townhome and multifamily structures with more than four dwelling units per structure abut single-family detached residential or duplex/triplex/quadplex structures, the adjoining minimum setbacks shall be increased by 10 feet.
- C. In all districts, the maximum building height at any given point may be increased by up to 12 additional feet at a rate of one foot in height for every additional foot of setback from all property lines.
- D. Driveways for individual dwelling units are not permitted. All off-street parking must be in the form of shared parking lots accessed from alleys or internal private drives.

Figure 5.6-J: 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	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; 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) – unless higher maximum allowed by overlay district	35	45	60
Maximum Gross Density (Dwelling Units per Acre)	20	30	50

5.14.3. Limited Access Highway (LHO) Overlay District

...

C. Use Regulations

1. Restricted Uses

- a. The following uses are permitted only if site plans are approved which assure that these uses will have no visible outdoor storage or operations adjacent to the highway:
 - i. Truck service centers (truck stops).
 - ii. Vehicle sales.
 - iii. Uses with storage for retail such as lumber yards, heavy equipment dealers, and similar uses.

Such site plans shall indicate that all outdoor storage and operation will be located in the yard space farthest away from the highway and on the far side of the principal buildings.

Outdoor display (as differentiated from outdoor storage) shall consist of only a sampling of wares sufficient to convey what is sold and is permitted in industrial zones only on a limited basis (maximum 25 percent of square footage of the primary structure) in accordance with the approved site plan.

- b. No subdivision for residential use other than Multifamily (>4 units per structure or over 2,500 sq ft footprint) or Upper-Story Residential shall be permitted within the first 300 feet of the overlay district as measured according to Subsection B herein.

2. Prohibited Uses

The following uses are prohibited:

- a. Truck terminals.
- b. Mobile home parks.
- c. Mobile home sales lots.
- d. Scrap material salvage yards, junkyards, automobile graveyards.
- e. Sanitary (reclamation) landfill.
- f. Body shops.



- g. Storage of radioactive or otherwise hazardous wastes.
- h. Outside kennels.
- i. Drive-in theaters.
- j. Golf driving ranges.
- k. Water slides.
- l. Self-serve car washes.
- m. Solar farms.

...

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										Includes Modular Home; 6.4.4.A.
Two- to Four-Family Dwelling (2 to 4 dwelling units per structure, aka Duplex/Triplex/Quadplex)		P	P	P		P		P						6.4.4.B.
Townhouse (2 to 4 dwelling units per structure up to 2,500 sq ft footprint)				P		P		P						6.4.4.C.
Townhouse (5 to 8 dwelling units per structure)						P		S		S				6.4.4.C.
Multifamily (>4 units per lot)						P	P	S	S					6.4.4.D.
Upper-Story Residential				P		P	P	P	P	P	P			6.4.4.E.
...														
Live-Work Unit				P		P	P	P		P				6.4.4.L.
CIVIC AND INSTITUTIONAL USE CATEGORY														
...														
Higher Education	S						P		P		P	P		Includes Business School/Satellite; 6.5.4.E.
...														
RECREATIONAL AND ENTERTAINMENT USE CATEGORY														
...														
Indoor Athletic or Entertainment Facility (not theater)							P	S	P	S	P	P		6.6.4.E.

COMMERCIAL, OFFICE, RETAIL, SERVICE USE CATEGORY													
...													
Other Office Uses Not Listed			S			P	P	P	P	P	P	P	6.8.4.A.
Medical Office							P	S	P	P	P	P	Includes Medical Clinic or Urgent Care Clinic; 6.8.4.B.
...													
Restaurant, Sit-down Establishment							P	P	P	P	P	P	6.8.4.D.
...													
Day Care Center			S				P	P			P		Includes Adult and Child Day Care, Family Child Day Care; 6.8.4.H.
Gym, Spa or Pool, Private							P	P	P	P	P		SF max for TBD; 6.8.4.I.
...													
Personal or Professional Services (up to 5,000 sq.ft ground floor footprint)			S				P	P	P	P	P	P	Including Hair Salons, art studio, dance studio (excludes commercial greenhouses or any use with outdoor operations; 6.8.4.L.
...													
Sales / Retail (no outdoor operations)							P	S	P	P	P	P	6.8.4.N.
...													
Artisan Shop			S				P	P	P	P	P	P	6.8.4.U.
...													

All nonresidential uses added to the MF-B district above would have the following standards added to their respective sections identified in the Notes column:

- In the MF-B district, use is only permitted on the first floor of buildings with an accompanying Upper-Story Residential use.

...

6.4.2. Examples

Examples include single-family residential uses, multifamily housing of all scales, townhomes, and mobile homes. Continuing care facilities where individual units meet the definition of a dwelling unit in Article 13. are also classified as household living. Group care can include boarding house or rooming house, family care home, immediate care home dormitories, monasteries, convents, group homes for persons with physical or mental disabilities, nursing care institutions, and some residential programs for drug and alcohol treatment.



6.4.3. Exceptions

- A. Lodging where tenancy may be arranged for periods of less than a month is classified in the overnight accommodations **use** category.

6.4.4. Specific Uses

...

- B. **Two- to Four-Family Dwelling Unit (Duplex/Triplex/Quadplex)**

- 1. Defined

Two **to four** dwelling units in a single structure on a single lot.

- 2. Use Standards

(None)

- C. Townhouse (Townhome, **Rowhouse**)

- 1. Defined

A form of single-family attached dwelling in which **two** or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection.

- 2. See *Article 9*. For more townhome regulations.

- D. Multifamily (Apartment, Condominium)

- 1. Defined

Five or more attached residential dwelling units in a single structure, with either shared entrances or shared parking areas. Also, multiple detached single unit residential structures, duplexes, **triplexes or quadplexes** sharing parking areas on a single lot. Units are often stacked and at least one or more units does not have its only individual, ground-level entrance.

- 2. See *Article 5*. and *Article 9*. for more multifamily apartment and condominium regulations.

...

- G. Manufactured Home (Class B)

- 1. Defined

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. The structure exceeds 40 feet in length and eight feet in width.

- 2. Use Standards

(Note: Re-number subsections b. through f. as a. through e.)

...

K. Live-Work Unit

1. Defined

A detached or attached building(s) with one dwelling unit located either behind or above an adjacent flexible ground floor space that may be used for the following ancillary nonresidential uses: Other Office Uses Not Listed, Personal or Professional Services, Artisan Shop.

2. Use Standards

- a. The nonresidential ground floor space is limited to no more than 1,500 square feet or 40% of the total heated square footage, whichever is less.
- b. The footprint of the primary building may not exceed 2,500 square feet.
- c. The ancillary nonresidential use may not employ more than two non-resident persons.
- d. The lot shall be rear- or alley-loaded.
- e. The lot must be part of a block face that fronts a public or private street with on-street parking.
- f. Public entrance(s) to the ancillary nonresidential use shall front on an adjacent public or private street.
- g. Any activities involving outside visitors or clients shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

6.8.4. Specific Uses

...

U. Artisan Shop

1. Defined

A retail shop selling art, glass, ceramics, jewelry, and other handcrafted items, including an area for the crafting of the items being sold.

2. Use Standards

- a. In the R8, MF-A, MF-B and NMX districts, no outdoor display of goods for sale, operations, or storage permitted.
- b. Where permitted, outside display of goods for sale and/or outside storage areas with direct front along street rights-of-way must be screened to a minimum height of two and one-half feet planted every five feet on center at installation.
- c. For new development:
 - i. A maximum of 50 percent of the total property frontage may be devoted to outside display or storage of goods when vehicular parking areas (excludes vehicular loading/service areas) are located in the street yard space.
 - ii. A maximum of 66 percent of the total property frontage may be devoted to outside display or storage areas when vehicular parking /service areas are located in side or rear yards.



- d. For new development, all outside displays of goods for sale or outdoor storage areas shall have a minimum setback distance of 15 feet from the street right-of-way.

13.2.1. A

...

Artisan Shop. A retail shop selling art, glass, ceramics, jewelry, and other handcrafted items, including an area for the crafting of the items being sold.

...

13.2.1. L

...

Live-Work Unit. A detached or attached building(s) with one dwelling unit located either behind or above an adjacent flexible ground floor space that may be used for the following ancillary nonresidential uses: Other Office Uses Not Listed, Personal or Professional Services, Artisan Shop.

...

13.2.18. R

...

Rowhome or Rowhouse. See “Townhouse.”

...

13.2.20. T

...

Townhouse. A form of single-family attached dwelling in which two or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection.

...

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 26, 2024		
Subject: Stormwater Overview		
Location on Agenda: Discussion		
Department: Engineering		
Contact: Leah Harrison, Engineering Director		
Presenter: Leah Harrison, Engineering Director		
Brief Summary: Overview of Town of Garner Stormwater Requirements		
Recommended Motion and/or Requested Action: For information only.		
Detailed Notes: See attached memo.		
Funding Source: N/A		
Cost: None	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:	LH	
Finance Director:		
Town Attorney:		
Town Manager:	JM	
Town Clerk:		



ENGINEERING MEMORANDUM

DATE: November 26, 2024
TO: Town Council
FROM: Leah Harrison, Engineering Director
SUBJECT: Town of Garner Stormwater Requirements

BACKGROUND AND INTRODUCTION

The Town of Garner has a variety of programs and regulations that aim to protect water quality and manage potential flooding. There are federal and state programs that are delegated to the Town for implementation. There are also regulations that have been developed by the Town of Garner to provide benefits beyond that required by state and federal rules.

The combination of the requirements discussed here are used to guide development within the Garner municipal limits as well as the extra-territorial jurisdiction (ETJ). The Town also has standards and details regarding the engineering design and construction of storm drainage infrastructure, which can be found in the [Town of Garner Engineering Design Manual](#).

STATE AND LOCAL REGULATIONS AND PROGRAM

Neuse Rules for Nitrogen Control

Since the 1980s, nutrient-related pollution has created water quality problems in the Neuse River. In response, North Carolina developed the Neuse nutrient strategy, which regulates sources of nutrient pollution and protects riparian buffers. These rules were adopted by the North Carolina Environmental Management Commission in 1997. The [Town of Garner Stormwater Program for Nitrogen Control](#) was implemented in 2001 and updated in 2023. This local program establishes and defines the means by which the Town of Garner will comply with the requirements of the state Neuse nutrient rules. The elements of the program are New Development Review/Approval, Illicit/Illegal Discharges, Post Construction Site Runoff Controls, and Public Education. This program applies to all areas of the Town of Garner municipal limits and ETJ.



What it means for development

- Any development that meets the disturbance or built-upon area (BUA) threshold is subject to the program. The disturbance threshold is 1 acre for single family and duplex residential, and 0.5 acres for all other types of development. The threshold for BUA is 24% of the lot area. This is measured cumulatively from the adoption of the rules.
- If over 24% cumulative BUA, onsite stormwater treatment for all BUA must be provided. Alternatively, an offsite stormwater control measure (SCM) may be used if it is dedicated to treating the area encompassing the project.
- Nutrient loading rates are calculated using the tool created by and approved by the North Carolina Department of Environmental Quality (NCDEQ). SCMs approved for use by NCDEQ have designated nutrient load reduction ratings. Reductions apply to the portion of the project's runoff volume that is directed to the SCM.
- Projects can reduce export of nitrogen through a combination of engineered SCMs, approved offsite regional SCMs, and the acquisition of permanent nutrient offset credits.
- New developments must also comply with the requirements for protecting and maintaining riparian buffers.

Swift Creek Land Management Plan & Water Supply Watershed Protection Program

The [Swift Creek Land Management Plan](#) (SCLMP), in conjunction with the Water Supply Watershed Protection Program, has been in effect since 1993. The portion of the Town of Garner that drains to Lake Benson, a drinking water supply lake, is subject to these rules. The primary goal of these programs is to reduce the total suspended solids (TSS) present in water entering the lake. This is accomplished through the requirement of a primary treatment device, which is an SCM approved for the removal of TSS.

What it means for development

- Within the Garner Swift Creek watershed, the impervious surface may not exceed 12% of land area without a primary treatment device. This may be increased to 30% or 70% with the use of an appropriate SCM, based on the land use designation from the SCLMP and in accordance with the chart below.
- A portion of the Garner Swift Creek watershed is designated by the SCLMP as the critical area. This area is also designated by the Town as the Lake Benson Conservation Overlay District. In this area, the impervious surface may not exceed 6% of land area without a primary treatment device. This may be increased to 35% on some parcels, based on the land use designation from the SCLMP and in accordance with the chart below.

Recommended Performance Standards for Swift Creek Watershed

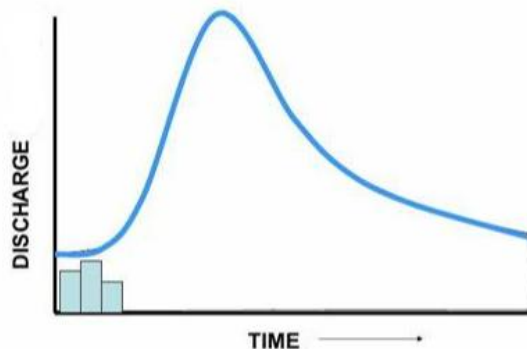
STANDARDS	AREA								
	CRITICAL		NON-CRITICAL						
	RURAL	URBAN	RURAL		SUBURBAN-NEW		URBAN-NEW		EXISTING URBAN
LIMITED RESIDENTIAL*	LIMITED RESIDENTIAL*	RESIDENTIAL	NON-RES	RESIDENTIAL	NON-RESIDENTIAL	RESIDENTIAL	NON-RESIDENTIAL	RES & NON-RES	
MAXIMUM DENSITY	0.5 DU/AC	2.5 DU/AC	1 DU/AC	N/A	2.5 DU/AC	N/A	6 DU/AC EAST OF HOLLY SPRINGS ROAD, MAY EXCEED 6 DU/AC WEST OF HOLLY SPRINGS ROAD	N/A	RESIDENTIAL CONTROLLED BY UNDERLAY ZONE; NON-RESIDENTIAL N/A
IMPERVIOUS SURFACE LIMITS	6%	6% (1)	12% (2)	12% (2)	12% (3)	12% (3)	12% (4)	12% (4)	12% (4)
IMPOUNDMENTS AND MAINTENANCE (5)	ALLOWED	REQUIRED IF OVER 6% IMPERVIOUS, PUBLICLY OWNED & MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED	REQUIRED IF OVER 12% IMPERVIOUS, PUBLICLY OR PRIVATELY MAINTAINED
MUNICIPAL SEWER (6)	PROHIBITED (7)	REQUIRED IF OVER 6% IMPERVIOUS	PROHIBITED (7)	PROHIBITED (7)	REQUIRED IF OVER 12% IMPERVIOUS	REQUIRED IF OVER 12% IMPERVIOUS	REQUIRED IF OVER 12% IMPERVIOUS	REQUIRED IF OVER 12% IMPERVIOUS	REQUIRED IF OVER 12% IMPERVIOUS
PRIVATE SEWER (6)	PROHIBITED	PROHIBITED	ALLOWED	ALLOWED	ALLOWED IF UNDER 12% IMPERVIOUS	ALLOWED IF UNDER 12% IMPERVIOUS	ALLOWED IF UNDER 12% IMPERVIOUS	ALLOWED IF UNDER 12% IMPERVIOUS	ALLOWED IF UNDER 12% IMPERVIOUS

- (1) LIMIT MAY BE INCREASED TO 35%, PROVIDED FIRST 1" OF RAINFALL IS RETAINED
- (2) LIMIT MAY BE INCREASED TO 30%, PROVIDED FIRST 1/2" OF RAINFALL IS RETAINED
- (3) LIMIT MAY BE INCREASED TO 30%, PROVIDED FIRST 1" OF RAINFALL IS RETAINED
- (4) LIMIT MAY BE INCREASED TO 30% AND 70% PROVIDED FIRST 1/2" OR 1" OF RAINFALL IS RETAINED, RESPECTIVELY
- (5) REFER TO MINIMUM STATE CONSTRUCTION STANDARDS AND INSPECTION REQUIREMENTS
- (6) POINT SOURCE DISCHARGE IS PROHIBITED IN BASIN
- (7) MUNICIPAL SEWER IS ALLOWED TO PROTECT PUBLIC HEALTH WHEN PRIVATE SYSTEMS FAIL EXCEPT AS PROVIDED UNDER ISSUES FOR ADDITIONAL STUDY

Stormwater Detention

In addition to the state and local programs, whose primary focus is on preservation of water quality, the Town also requires implementation of stormwater controls to manage the quantity of runoff from development. The Town requires peak flow attenuation or reduction for the 1-year, 10-year, and 25-year storm events. Detention of the 100-year storm event may also be required by the Town Engineer when deemed necessary due to downstream conditions.

When a rain event occurs, the runoff from any given site happens according to a hydrograph, which shows the flow relative to the time since the event started. Below is a sample hydrograph. The flow of stormwater leaving the site or occurring downstream is slow at first, peaks at some point during or after the event, and eventually returns to zero.





Adding impervious surface to a site changes the shape of the hydrograph. Water tends to run off faster and at a higher flow rate than it did previously. The peak flow is the maximum flow rate leaving the site at any point. Peak flow attenuation means that the peak flow, or the top of the curve, cannot exceed the peak flow in the pre-developed state. This is done by using SCMs that capture runoff and release it more slowly than it would naturally run off the site.

What it Means for Development

For any new or re-development, installation of SCMs to provide peak flow attenuation for the 1-, 10-, and 25-year storm events is required. This is required for all developments in Town limits and the ETJ, with the following available exemptions:

- The increase in peak flow between pre- and post- development conditions does not exceed ten percent.
- The overall impervious surface is less than fifteen percent and the remaining pervious portions of the site are utilized to the maximum extent practical to convey and control the stormwater runoff.
- It can be demonstrated that detention will increase local flooding downstream. In addition, detention for the 10- and 25- year storms will not be required when it can be demonstrated that the increase in total peak flow at local flood prone areas downstream will increase less than 2%.

The last exemption often comes into play when developments are at the lower end of a watershed. The greatest chance of flooding occurs when the peak flow from several sites occurs at the same time. When the peak flow is attenuated, it is delayed. Often, less downstream flooding results from allowing sites at the bottom of the watershed to run off quickly rather than delaying them until they coincide with upstream peaks.

Flood Damage Prevention and Floodplain Management Ordinance

The Town of Garner's floodplain management ordinance was adopted to be consistent with federal and state regulations. However, the Town's ordinance is more restrictive than the minimum requirements of the federal and state programs. The provisions of the floodplain management ordinance are designed to:

- Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that results in damaging increases in erosion, flood heights, or velocities.
- Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodations of floodwaters.
- Control filling, grading, dredging, and all other development that may increase erosion or flood damage.
- Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

The floodplain management ordinance regulates the floodway (stream channel) as well as the jurisdictional floodplain. This is also known as the 100-year or 1% floodplain, as it is the area that has been modeled to flood during a 100-year storm event. The Town of Garner also regulates a Conservation Buffer Area, which is 50-100 feet outside the jurisdictional floodplain and is subject to a portion of the same regulations.

What it Means for Development

- Development and land-disturbing activities are prohibited in the jurisdictional floodplain. This includes building, removal of vegetation, grading, or placement of fill.
- A variance from the Board of Adjustment is required to deviate from the above requirement.
- If a variance is granted, all development must be done in accordance with the floodplain management ordinance, which includes specifications related to building structure and finished floor elevation.

NPDES MS4 Program

The National Pollutant Discharge Elimination System (NPDES) contains Phase I and Phase II regulations requiring municipal separate storm sewer systems (MS4s) to obtain a permit for their stormwater discharges. An MS4 is a conveyance that is:

- Owned by a state, municipality, or other public entity that discharges to waters of the U.S.
- Designed or used to collect or convey stormwater (e.g. storm drains, pipes, ditches)
- Not a combined sewer
- Not a part of a sewage treatment plan or publicly owned treatment works

Phase I permits are required for cities or counties with populations over 100,000, while some smaller communities are covered under the Phase II regulations. The Town of Garner's NPDES MS4 program was implemented in 2005. This program contains six minimum measures, which include the implementation of the other programs described herein. The six minimum measures are: public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction site runoff controls, post-construction site runoff controls, and pollution prevention and good housekeeping for municipal operations.

Illicit Discharge Detection and Elimination

Illicit discharges are any substance that is hazardous to our storm drain system and local waterway system. Such discharges include sanitary sewer overflows, paint, car fluids, etc. Staff receives reports of or identifies illicit discharges in the field. Staff issues a notice of violation for confirmed illicit discharges and ensures they are contained, controlled, collected, and removed promptly.

Post-Construction Site Runoff Controls

Any SCM constructed for purposes of water quality or quantity benefit will only be beneficial long-term if it is properly maintained. Developers must develop, sign, and record an Operations and Maintenance document along with a Memorandum of Agreement committing to the maintenance of any SCMs in perpetuity. The Town of Garner provides pre-made Operations & Maintenance documents for the most frequently implemented SCMs, based on the maintenance guidance of NCDEQ. Annually, SCM owners are required to have their devices inspected by a qualified third party to ensure proper maintenance and function. These inspection reports are provided to the Engineering Department for review and approval.

Pollution Prevention and Good Housekeeping for Municipal Operations

The pollution prevention section of the NPDES permit requires that the Town controls pollutants in the drainage system. To comply, the Town operates the street sweeper to remove contaminants before they enter storm drains. Drains are also cleaned as needed or identified during routine operations. They are checked for blockages



and function following storm events. Municipal facilities are inspected for good housekeeping procedures, including covering equipment storage and vehicle maintenance areas and using secondary containment for storage containers.

SUMMARY AND NEXT STEPS

The Town of Garner has long been proactive in the implementation of stormwater management regulations that have benefited residents as the Town has grown and developed. Stormwater detention is a measure that is not required by state or federal regulations and is not mandatory in all municipalities. It was implemented in the Town in the 1980s thanks to the forward thinking of staff and the need to provide flood protection as growth and development occurred. Garner is also unique in its prohibition of development in the floodplain. This restriction is not present in most jurisdictions but has been a part of the Town's floodplain management ordinance since its inception in the 1970s. As a result, the town has a limited number of structures in FEMA designated Special Flood Hazard Areas, limiting exposure to repetitive structural flooding loss.

Looking forward, the Town anticipates continuing to be proactive in finding ways to protect residents and businesses from flooding, conserving important environmental areas, and preserving the water quality in downstream lakes and streams. Groups at the State of North Carolina and North Carolina State University continue to research ways to make stormwater controls more effective and to modify existing standards to more accurately reflect today's climate. With emerging technologies such as green stormwater infrastructure and low impact development, the Town looks forward to adding additional resources to the toolbox of stormwater management.

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: November 26, 2024		
Subject: Zoning Text Amendment # ZTA-24-002, New Stormwater Requirements for Nitrogen Control		
Location on Agenda: Discussion		
Department: Engineering		
Contact: Jaclyn Stannard, Stormwater Administrator; Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Leah Harrison, Town Engineer		
<p>Brief Summary:</p> <p>Zoning text amendment (ZTA-24-002) submitted by the Garner Engineering Department to amend Section 11.2, Stormwater Program for Nitrogen Control to include language from the program's overall document that was previously adopted as an appendix to the UDO and simplify enforcement of operations and maintenance (O&M) agreements, and stormwater control measures (SCMs).</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Consider directing Town staff to schedule public hearing for January 21, 2025.</p>		
<p>Detailed Notes:</p> <p>This change will add in a few additional items into the nitrogen ordinance that currently already exist and were approved with the last Stormwater Program for Nitrogen Control Update. No new changes are proposed, but adding in additional sections into the nitrogen ordinance will help ensure more effective enforcement of the stormwater program.</p>		
Funding Source:		
Cost: None	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:	JM	
Town Clerk:		

ORDINANCE (2025) ____

AN ORDINANCE AMENDING ORDINANCE NO. (2022) 5132 ENACTING THE “GARNER FORWARD” TOWN OF GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISIDICION AND ESTABLISHING STORMWATER REQUIREMENTS FOR NITROGEN CONTROL

WHEREAS, North Carolina General Statutes (NCGS) Section 160D-925 authorizes the Town to adopt and enforce a stormwater control regulation to protect water quality and control water quantity; and

WHEREAS, State law requires the Town to establish stormwater requirements for nitrogen control to comply with the Neuse Nutrient Strategy Rules; and

WHEREAS, the Town’s Engineering Department has proposed amendments to Section 11.2.1 of the Garner Unified Development Ordinance which have been approved by the North Carolina Department of Environmental Quality and the Environmental Management Commission; and

WHEREAS, after due notice, the Garner Town Council held a public hearing thereon _____;

WHEREAS, the Town of Garner Planning Commission reviewed the proposed amendments at their regular meeting on _____, and recommended approval to the Town Council; and

WHEREAS, the Garner Town Council finds the recommended amendments as consistent with the Garner Forward Plan and reasonable.

NOW, THEREFORE, BE IT ORDAINED by the Garner Town Council of the Town of Garner that Ordinance (2022) 5132 is hereby amended as follows:

Section One. Amend Section 11.2 of the Garner Unified Development Ordinance entitled “Nitrogen Reduction” to add four new subsections with new language underlined:

11.2.1. Stormwater Requirements for Nitrogen Control

All new development shall meet the requirements of the "Town of Garner Stormwater Program for Nitrogen Control." The major requirements that must be met by new development, as contained in the stormwater program, are as follows:

* * * *

O. At project close out and/or Certificate of Occupancy, all engineered stormwater controls and public storm drain infrastructure shall be submitted to the Town of Garner for

review and approval. Upon acceptance of these structures and controls by the Town, the property owner shall be responsible to maintain and inspect SCMs annually.

P. An Operations and Maintenance Agreement (O&M) shall be required for all new developments with proposed SCMs. The O&M shall specify all operation and maintenance work necessary for the function of all engineered stormwater control components within the system. This O&M shall require the owner to maintain, repair and, if necessary, reconstruct the engineered stormwater controls in accordance with the approved design plan. The O&M shall be binding on all subsequent owners of the site, portions of the site, and lots, or parcels served by the engineered stormwater control. Until the transference of all property, sites, or lots served by the engineered stormwater control, the original owner or applicant shall have primary responsibility for carrying out the provisions of the O&M. The O&M shall be recorded with the Wake County Registry of Deeds along with a Memorandum of Agreement.

Q. Private property owners shall submit annual inspection records and SCM certifications or any maintenance that is needed with a maintenance plan for that maintenance. All inspections shall be conducted by a qualified professional and results submitted on the Town of Garner Annual Stormwater Control Measure Inspection Report document to the Town for review and approval.

R. A public access and maintenance easement shall be provided and recorded on the plat around all engineered stormwater control measures for new development to grant the Town of Garner a right of entry to the property to inspect, monitor, maintain, repair or reconstruct the engineered stormwater control; however, in no case shall the right of entry, of itself, confer an obligation on the Town of Garner to assume responsibility for the engineered stormwater control.

Section Two. That all Ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section Three. This Ordinance shall become effective upon adoption and shall apply to all existing SCMs and all new SCMs approved after adoption.

Duly adopted this ____ day of _____, 2025.

Reports



MANAGER'S OFFICE

MEMORANDUM

DATE: November 26, 2024
TO: Mayor and Town Council
FROM: Jodi Miller, Town Manager
SUBJECT: December Pending Agenda Items

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

Monday, December 3 - Regular Meeting

Presentations

- FY24 Audit Presentation

Consent

- PRCR Grants & Sponsorships Acceptance & Budget Amendment
- Resolution authorizing exemption to the public contracting requirements – replacing globes on Main Street light poles
- White Oak Roundabout LAPP Supplemental Agreement
- Yeargan Park Phase 1 CMAR Contract Amendment for GMP

Public Hearings

- Yeargan Rezoning – Continued from November 19

Old/New Business

- CZ-MP-23-06, Poole Drive Fuel Sales
- Code Revision Project

Reports

- None at this time



Tuesday, December 17 - Regular Meeting

Presentations

- Police Department Retirements – Sr. Officer Rodney McGee

Consent

- Wake County Hazard Mitigation Plan
- Police Department Disposal Property
- Yeargan Park – Duke Energy Easement

Public Hearings

- CZ-24-003 Exchange at 401 Commercial

Old/New Business

- Field Renaming – SGP Field 1
- Draft Legislative Agenda

Reports

- Attorney Report – Pearl & Parker Acquisition, Aversboro & Garner Road (tentative)

NO WORK SESSION IN DECEMBER