

Permitted Uses & Specific Use Standards (Article 5)



Garner Forward
Unified Development Ordinance

09/24/2020

Old Business

UDO Update Status

Project timeline (working schedule)



Garner Forward Unified Development Ordinance project schedule: updated 01/14/2020	2020				2021			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Phase 1: Project Initiation								
Existing documents and plan review								
Focus Group Interviews								
Public Open-House Style Workshop/Online public survey								
Phase 2: Preparation & Composition								
Prepare UDO Framework								
Draft UDO Articles & provide recommendations (by groupings):								
Administration, Nonconformities, Nuisance								
Development Application Procedures								
Zoning Districts, Conditional Use Districts, Use Table								
Overlay Districts, Urban Design Standards								
Signs, Affordable Housing								
Subdivision, Site Design, Street Standards								
Development Standards (Use Standards, Landscaping, Parking, Lighting, Storage, Etc.)								
Environmental Regulations, Open Space Standards, Stormwater								
Utilities & Infrastructure Details								
Definitions & Interpretations (will run concurrently throughout)								
Phase 3: Remapping & Zoning Map Update								
Phase 4: Adoption								
Public Hearing & Planning Commission Meeting(s) (tentative)								
Town Council adoption hearings (tentative)								
Coordination, Oversight, and Guidance								
Steering Committee Meetings	*	*	*	*	*			
Joint Worksession: Planning Commission/Town Council		*	*	*	*			
Public Information Meetings (tentative)						*		

Progress by Article



Article	Subject	Ch160D	Garner Forward
1	General Provisions	Drafted	Drafted
2	Review Bodies	Drafted	Drafted
3	Review Procedures	Drafted	Drafted
4	Zoning	Drafted	
5	Use Regulations	Drafted	
6	District Development Standards	Drafted	
7 (Part 1)	General Development Standards	Drafted	
7 (Part 2)	Signs	Drafted	
7 (Part 3)	Lighting and Access Standards	Drafted	
8	Subdivision Standards	Drafted	
9	Nonconformities	Drafted	Drafted
10	Enforcement	Drafted	Drafted
11	Definitions	Drafted	

Keeping it straight!
160D adoption package
vs.
GarnerForward package

Key:
Administrative / Procedural
Regulatory Standards

Article Groupings



Administrative Articles

Article	Subject
1	General Provisions
2	Review Bodies
3	Review Procedures
9	Nonconformities
10	Enforcement

- Includes 160D edits and Garner Forward edits
- Expect minor edits again later to incorporate edits in other articles

vs. Regulatory Articles

Article	Subject
4	Zoning
5	Use Regulations
6	District Development Standards
7 (Part 1)	General Development Standards
7 (Part 2)	Signs
7 (Part 3)	Lighting and Access Standards
8	Subdivision Standards
11	Definitions

- 160D edits only
- More edits expected during Garner Forward revisions

Zoning Districts Recap

Residential Zoning Districts

Current districts

Proposed districts

R-40 → RA

R-20 → R2

R-15

R-12 → R5

R-9

New district → R10

In the new districts, the number after “R” represents dwelling units per acre. For example, R2 = 2 dwelling units per acre.

This new urban/downtown residential district would allow more-dense, market-responsive housing in select locations

For reference, 1 acre = 43,560 square feet.

In new development, public streets and rights-of-way may consume approximately 25% of total acreage.

Multi-family/Mobile Homes

- Multi-family zoning districts
 - MF-1: low impact, house-scale townhomes, triplex, and quadplex
 - MF-2: large-scale, urban townhomes and apartments
- Current mobile home zoning district (RMH) will not have major changes



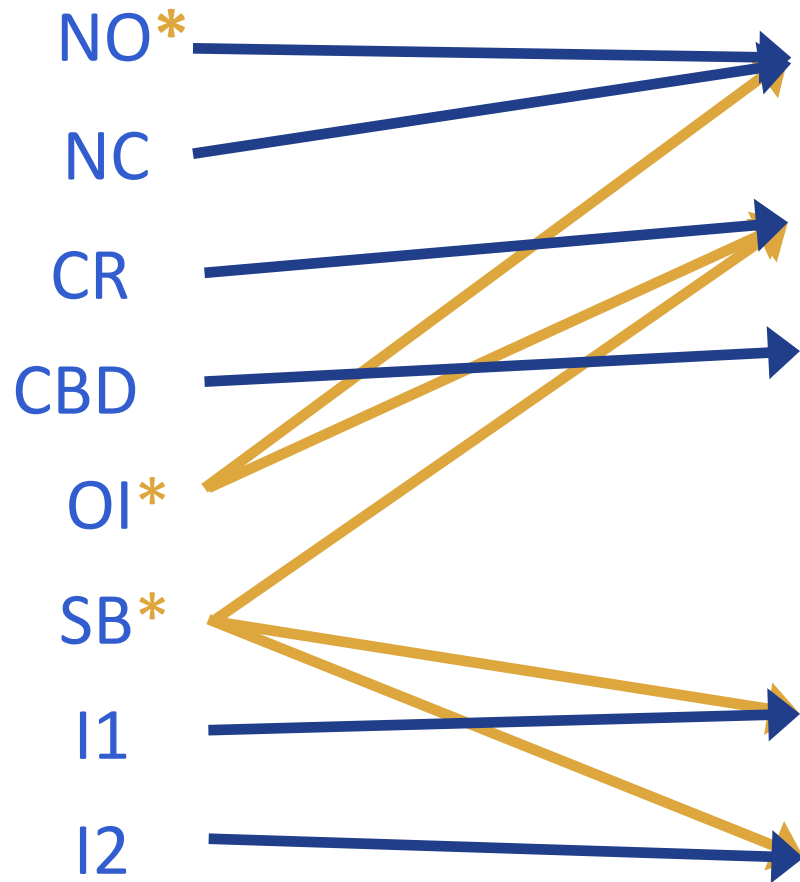
Nonresidential Zoning District Changes



**Garner
Forward**
Unified Development
Ordinance Update

Current Districts

Proposed Districts



Neighborhood Commercial

Commercial / Mixed Use

Traditional Business District

(new name, more versatile)

Activity Center

New high intensity "redevelopment" district

Industrial Light

Industrial Heavy

Light
Commercial

Commercial

Industrial

*current uses will be redistributed and district will be retired.

Neighborhood Commercial



- Combines Neighborhood Commercial and Neighborhood Office
- Neighborhood-scale, low-impact, residential-compatible, nonresidential uses (like professional offices and hair salons)



Commercial Mixed Use

- Previously Community Retail
- Now includes services and offices, allowing more use flexibility
- Example: Aversboro Square



Traditional Business District

- Previously Central Business District
- Uses and character will remain largely the same, with upper story residential added



Activity Center

- Most intense commercial/mixed-use district
- Intended to encourage density that would support redevelopment and transit-oriented development



Industrial Districts (I1 and I2)

- I1 (light industrial) and I2 (heavy industrial) districts remain largely unchanged
- I2 allows outdoor industrial uses



State Group Care Homes

State Group Care Homes Uses



- Includes in-home child daycare, 24-hr supervision for adults (usually with cognitive or physical impairments), adult daycare, nursing homes, etc.
- NCDHHS regulates residential group care facilities.
- Applicants still need a Garner zoning permit.
- Using State and County definitions will prevent confusion.

State Group Care Homes Definitions



Family Child Care Home

Child Care Center

Adult Care Home

(24-hr care)

Family Care Home

(subset of Adult Care Home)

Nursing Home

(not 24-hr care)

Individuals

2 to 9 children

**3+ preschool-age or
9+ school-age children**

2+ residents

2 to 6 residents

3+ adults

Location

Residence

**Facility or
residence**

**Facility or
residence**

**Facility or
residence**

Facility

Conditional Zoning Discussion

What is Chapter 160D?



- **Administrative:** An objective decision to implement, administer, or enforce development regulations.
- **Legislative:** A general policy decision to adopt, amend, or repeal a law or ordinance.
- **Quasi-judicial:** A subjective, discretionary decision based on evidence presented regarding a specific application of a development regulation.

Clarified decision types:

- Administrative
 - Objective
- Legislative
 - Discretionary
- Quasi-judicial
 - Evidentiary

	Public Participation	Predictability (for Applicant)	Private-Sector Expense/Risk	Local Discretion
Administrative	Low/None	High	Low	Low/None
Legislative	High	Medium	Low/Medium	High
Quasi-Judicial	Low	Low	High	Moderate

“Entitlements” can be

Administrative

Zoning Compliance
Permit

Subdivision,
Platting

Traffic Impact
Analysis

Site plan

Legislative

Rezoning

Ordinance
Amendment

Conditional
Rezoning

The “rules” are set here.

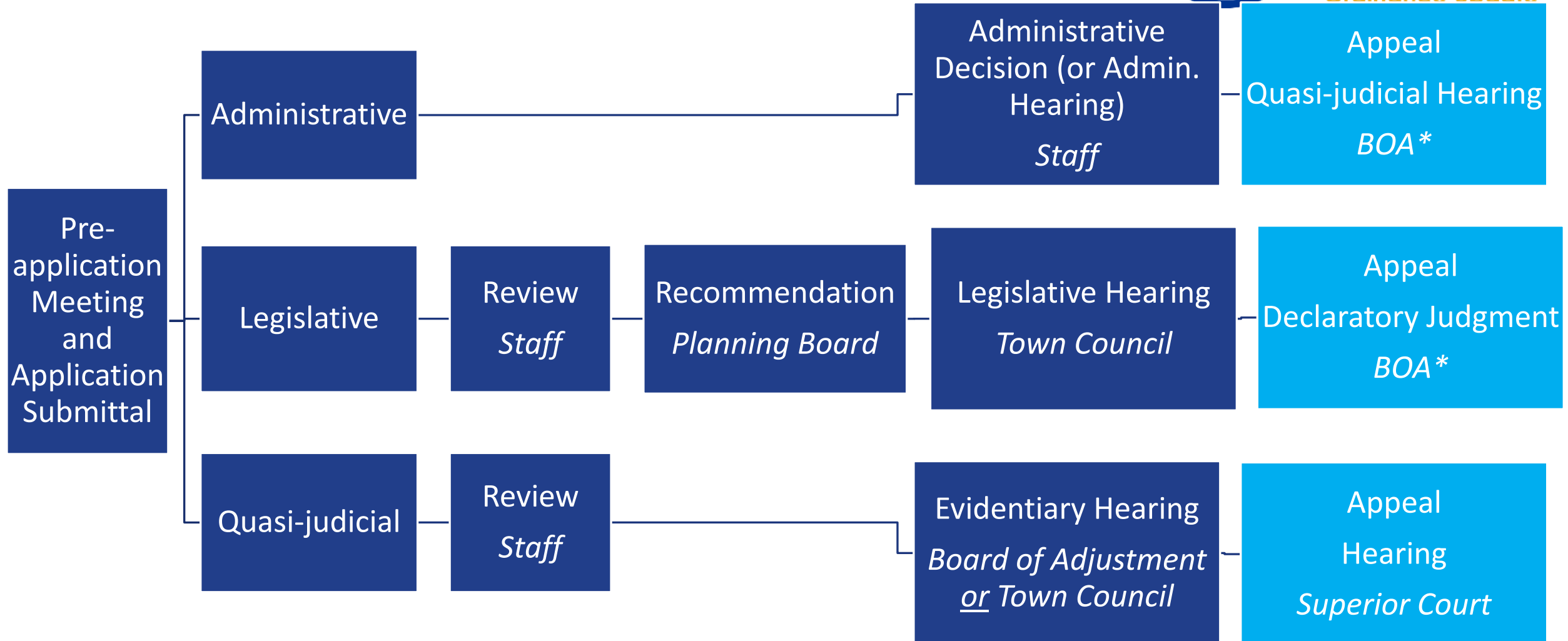
Quasi-Judicial

Variance

Special Use Permit

(Note: This list is not comprehensive.
Refer to the UDO’s **Review Authority Table** for a complete list.)

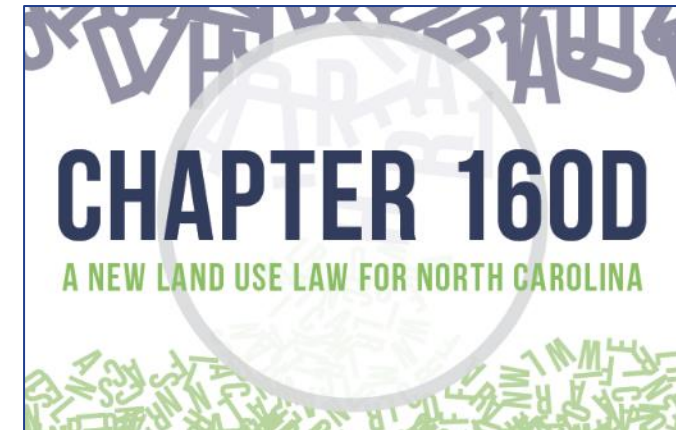
Process



Decision Framework



- The **rules** are set **legislatively** by Council
 - Ordinance: permitted uses, dimensional standards, design standards, setbacks, landscaping, etc.
 - Rezoning: traditional or conditional
- Requests to vary the rules are **quasi-judicial**
 - *(within the boundaries established in the ordinance)*
- All other procedures follow the rules **(administratively)**
 - Subdivision, site plans, permits (except SUP), etc.



Conditional Zoning (CZ) District

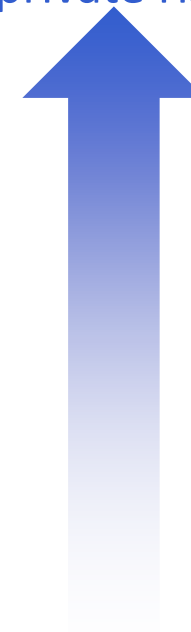


Options for Conditional Zoning (now in Article 3):

- ~~A. Open ended, developer proposes all conditions and provides detailed construction drawings (\$\$\$)~~
- B. Tier 2: Conceptual bubble master plan with uses ** and design standards specified (similar to Fuquay-Varina)**
- C. Tier 1: Build CZ on a base zoning district, with uses** further restricted but base district standards apply (similar to Knightdale)**
- ~~D. No CZ option at all – maybe not needed after zoning district updates. Developers can still use text amendment and rezoning processes.~~

More private risk

More flexible or privately-directed



More publicly-guided

Comparison of Approaches (starting from R9)



A TOPU with Conditional Zoning (CZ) required - Tier 1 vs. Tier 2

A TOPU *without* CZs –with Special Use Permits (SUPs) instead

USE		NONRESIDENTIAL DISTR							
P = Permitted by right		S = Special use permit required							
Use Category	Specific Use	MF-1	MF-2	NO	NC	C B D	OI	CR	SB
Health Care (see 5.2E.5)	Continuing Care, Retirement Facility	CZ	CZ				CZ		
	Hospice	P	P				P	P	
	Hospital					S	S	S	
	Ambulatory Health & Emergency Care Facility						S	S	
	Medical Clinic					P	P	P	P

USE		NONRESIDENTIAL DISTR							
P = Permitted by right		S = Special use permit required							
Use Category	Specific Use	MF-1	MF-2	NO	NC	C B D	OI	CR	SB
Health Care (see 5.2E.5)	Continuing Care, Retirement Facility	S	S				S		
	Hospice	P	P				P	P	
	Hospital					S	S	S	
	Ambulatory Health & Emergency Care Facility						S	S	
	Medical Clinic					P	P	P	P

Next Steps

Thank you

PROJECT WEBPAGE:
WWW.GARNERNC.GOV/DEPARTMENTS/PLANNING/GARNER-FORWARD/UDO-RE-WRITE-PROJECT



STEWART