Planning Board
Agenda Abstract

Monday, November 16, 2026
Location:

Agenda Item

Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance Amendment #32 - CTA-2026-03

Item Explanation

The purpose of this agenda item is to consider a proposed text amendment to the Land Development Ordinance, Amendment #32 that addresses several areas of improvement.

Staff Comments

Since its adoption in December 2016, Town staff and the community have gained significant experience using the Land Development Ordinance (LDO) and a better understanding of its intent and proper function. Periodically, Staff and Management bring amendments to the Board after consolidating an ongoing list of proposed modifications that accomplish a number of goals, including keeping the LDO relevant to development trends, encouraging quality development and innovative design solutions, streamlining the standards, and addressing conflicting language. This amendment seeks to harness that experience by clarifying and correcting the LDO's language.

The proposed changes are as follows: Throughout the LDO (where articles only include amendments from this general category; they are not otherwise called out herein):

Amendments per Updates to the N.C. General Statutes -
- In July, the Governor signed into law House Bill 162, which made changes to a municipality's ability to require parking with new development projects. H.B. 162 amended Section 160D-702 to state that municipalities cannot require off-street parking spaces for new developments, regardless of their use type or occupancy. Changes have been made throughout the LDO to remove any language that stated or otherwise implied the need for off-street parking for new and infill development projects. This new law does not prohibit developers from voluntarily including market-driven parking on their lots, nor does it prohibit on-street parking that would be maintained by the local or state government.
- In July, the Governor signed into law House Bill 372, which created a new type of Home Occupation called a "No-Impact Home-Based Business". The definition for this use has been added to Article S Interpretations & Definitions, and standards for the same have been added to Article F Use Regulations, as outlined below. Due to a key component of the new use being that "no city shall require a person to apply, register, or obtain any permit, license, variance, or other type of approval to operate a no-impact home-based business," staff have removed all

requirements to obtain a permit for a Home Occupation. Since, per the Statute, staff cannot require a potential no-impact home-based business to apply for a permit, staff cannot therefore determine whether a home occupation may be a no-impact home-based business or a home occupation that would necessitate a permit. Staff has made updates to the Town website so anyone wishing to conduct a no-impact home-based business or home occupation may do so without the need to apply, register, or obtain any permit, license, variance, or other type of approval.
- In August, the Governor signed into law Senate Bill 445, which limited the ability of local governments to require glazing and transparency of building windows. The terms "ground floor facade area" & "non-storefront uses" have both been added to Article S Interpretations & Definitions and standards for the same have been added to Article F Use Regulations and described further herein.

Article F, Use Regulations:
- Assisted Living has been added as a permitted by right use in the Residential Mixed-Use (RMU) zoning district.
- The term "Home Occupation" has been replaced on the permitted use table with the term "No-Impact Home-Based Business" per the N.C. Gen. Stat. A star has been added beside each P to indicate that there are further standards for the use that are described in Section 9-1255.
- The standards for Accessory Uses - Temporary Storage have been updated to reflect changes made to the state Building Code allowing storage containers to be used as a building material. Timing and use allowances have been clarified in this section.
- Language has been added to the Commercial Day Care use that includes adult day care. Parking requirements have been removed from this section.
- References and language have been removed from the section on Home Occupations per House Bill 372 described above. The section has been replaced with standards for No-Impact Home-Based Businesses.
- The section on Residential Vehicle Storage/Repair has been edited to reduce conflict in the language and to allow for flexibility in enforcement. The term has also been updated to reflect that this section pertains to the personal vehicle(s) of occupant(s), not a business.

Article H, Building Type & Architectural Standards:
- Clarification that the allowance for standing seam metal roofs has a maximum of 24-inch separation between the seams.
- A reference to another section of the LDO has been fixed, as it indicated the incorrect section.
- Per Senate Bill 445, developers of projects featuring ground-floor windows or other glass facade shall be a minimum of 35% glazed. If the use of the structure qualifies as a "non-storefront use," then the minimum shall be 20%. This language shall not prohibit the developer from providing more than the required minimum glazing.
- Similar language to the above has been added to the section on glazing for commercial buildings not in shopping centers.

Article L, Signs:
- Clarifying edits have been made throughout this Article.
- The term "canopy sign" has been removed from references to "awning and/or canopy signs" to avoid confusion with a different type of canopy signs that are permitted and to align terminology with industry standards.
- Fueling Station Canopy Sign has been added as a permitted sign type to accommodate the

specific sign type associated with gas station price advertising. It will be permitted in commercial zoning districts with additional standards as established in Article L.
- Pole Sign has been added as a permitted temporary sign type to accommodate signs required for identifying model homes or sales centers in developing subdivisions. They are permitted in residential zoning districts only.
- Menu boards are now permitted per drive-through lane rather than per parcel to align with industry standards.

Article M, Thoroughfares, Drainage, & Utility Standards:
- Language has been added to the section on public utilities to require all work done to Town fiber lines to be performed by a Town-approved contractor due to the proprietary and sensitive nature of the security infrastructure.

Article N, Parking, Loading, & Lighting Design Standards:
- References and language pertaining to requirements for parking have been removed per HB 162 as described above. This includes the removal of several sections and tables; therefore, edits referring to those sections and/or tables have been amended as appropriate throughout the LDO. Additionally, remaining sections have been renumbered as appropriate to accommodate the removed sections.

Article O, Landscaping & Tree Protection Standards:
- A section allowing a reduction of required parking spaces with an administrative adjustment when doing so to preserve trees has been removed, as there is no longer a requirement for parking spaces.
- Parks/Facilities, Open & Civic Space has been added to the Use Type 4 list in the landscaping buffers section. It was missing from the list previously.

Article P, Administrative Powers & Duties:
- The radius for which notice of a neighborhood meeting or a public hearing must be given to adjacent property owners has been extended from 200 feet to 500 feet in an effort to involve a greater number of neighbors in processes that require these types of meetings. Additionally, language has been added about who is required to be in attendance from the applicant's team.
- A reference to the review of home occupation permits has been removed per the updates from HB 372.

Article Q, Procedures & Administration:
- References to minimum required parking have been removed per HB 162.
- The section on home occupation permits has been removed and replaced with language pertaining to no-impact home-based businesses.
- The section on food truck permitting has been amended to remove the requirement for property owner permission. This section was overlooked during a previous amendment that officially removed this requirement.
- The requirement for a master sign plan has been added to projects that require a master plan. As the Town grows and sees more complex projects under review, a master sign plan will help ensure these projects have a cohesive appearance and wayfinding system.
- The section pertaining to vested rights has been updated to reflect recent statutory updates that extend the vesting period from two (2) to five (5) years from the date of approval per SB 445.

Article S, Interpretations & Definitions:
- The definition for Day Care, Commercial has been updated to include adults needing day care services.
- A definition has been established for Ground Floor Facade Area as pertains to SB 445's new requirements for glazing.
- The definition for Home Occupation has been removed per the updates from HB 372.
- A definition for No-Impact Home-Based Business has been added as it pertains to HB 372's new requirements for home-based businesses.
- A definition for Non-Storefront Use has been established as it pertains to SB 445's new requirements for glazing.
- The definition for Overflow Parking has been removed as that is no longer a consideration if off-street parking cannot be required.
- The reference in Salon/Spa permitting it as a home occupation use has been removed.
- The reference to required off-street parking has been removed from the Shared Parking definition.

Appendix A, DC-1 & DC-2 Form-Based Districts:
- References to required off-street parking have been removed per HB 162.

Appendix B, RMU, CMU & EMU Form-Based Districts:
- Standards regarding glazing on non-residential buildings have been updated in accordance with SB 445.

Appendix C, Town Center Residential District:
- References to required off-street parking have been removed per HB 162.

Appendix D, Planned Unit Development District:
- References to required off-street parking have been removed per HB 162.

RECOMMENDATION: Staff recommend approval of the proposed Town Code Amendment. It is reasonable and, in the public's, best interest as it improves upon the Land Development Ordinance's intent to modernize, provide sustainability, and allow for ease of use and enforcement concerning the Town's current standards.

Fiscal Note

No

Recommendation

PUBLIC HEARING

MOTION TO: Recommend approval of CTA-2026-03 Amendment #32, an amendment to the Land Development Ordinance, as presented and recommended by staff. The text amendment improves upon the Land Development Ordinance and is reasonable and in the best interest of the public for the reasons identified by staff.

ATTACHMENTS
CTA-2026-03 Amendment 32
Attachment A - Table - Permitted Use Table

Attachment B - Table - Permitted Signs
Attachment C - Table - Parking Standards