



Board Meeting Agenda Abstract

Tuesday, March 19, 2024

Location: 134 N. Main Street, Fuquay-Varina, NC 27526

Agenda Item

Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #26 - CTA-2024-01 - (FIRST READING) - (Davison)

Item Explanation

The purpose of this agenda item is to receive information related to a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Amendment #26 that addresses several areas for 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. This amendment seeks to harness that experience by clarifying and correcting the LDO's language.

The proposed changes are as follows:

Section 1, Article A - General Provisions:

- A reference to the Town Center Plan Guidelines has been removed from this Article. These guidelines were included in the Downtown Center Appendix, but the reference was never removed.

Section 2, Article E - Floating Zoning Districts:

- Another reference to the Town Center Plan has been removed.

Section 3, Article F - Use Regulations:

- The size limitation has been removed for night club/dance club as it was inconsistent with the use and peer communities.

- The limitation on the size and type of contractor vehicles has been removed from the General/Special Trade Contractor & Storage as it was deemed overly restrictive for this use type.

- A main goal of LDO maintenance is to reduce the number of places in the document where the same information is located, thereby minimizing the opportunity for conflicting information. Several uses in Article F have additional use regulations pertaining to additional landscaping or buffers outside (but not necessarily in accordance with) the landscaping and buffers in Article O. With some adjustments made to Article O; no use has had its buffer or landscaping requirements lessened. The following uses have been amended to remove the requirements already established in Article O so that there is less opportunity for user error:

- Batching Plant, Asphalt & Concrete*
- Fertilizer Manufacturing & Storage*
- Lumber Production and/or Treatment*
- Manufacturing*
- Mining, Quarry & Processing (this use has also been moved from Miscellaneous Uses to Manufacturing, Processing & Storage in Article F)*
- Hospital, Medical Center (specifically Mental Health Facility)*
- Junk & Salvage Yard*
- Landfill*
- Cemetery & Memorial Park*
- Transit Terminal (specifically Terminal, Truck Freight, Warehouse & Storage)*
- Campground*
- Drive-In Theater*
- Crematorium*
- Tire Sales & Service (this use has also been moved from Retail Sales & Service to Vehicle Services in Article F)*
- Recycling Plant*
- Substation, Electrical*

- The term "opaque landscape buffer" has been amended throughout the LDO to "Type A buffer," as it was referring to without using the term.

- It has been clarified that ADUs (meeting the standards in Article F) can be rented separately from the primary structure.

- The ability to have general retail uses in the Research Light Industrial zoning district has been removed as it was only permitted as an accessory use to a Flex Space building. Staff determined that the current Flex Space standards that provide up to 10% of the unit square footage for retail use are adequate.

- Temporary School Classrooms have been removed from the Temporary Mobile Unit use but will still be permitted by right wherever a school is established. The language, including temporary school classrooms, has also been removed from the definition of Temporary Mobile Units in Article S.

- Storage Facilities are now permitted in the General Commercial zoning district. The existing development standards shall apply, except that storage facilities in the GC zoning district shall not be permitted to have outdoor storage.

Section 4, Article G - Lot & Structure Provisions:

- This Article has added and clarified language regarding determining lot width for different types of lot shapes. The definition of Lot Width has also been amended for clarity in Article S.

- The language "meet front setback" has been removed from the encroachment allowance for accessory uses and structures in the front yard. This language conflicted with the permitted setbacks in another section of the LDO and also needed to meet the intent of where accessory structures and uses are permitted to be located on parcels. (Attachment B)

Section 5, Article J - Subdivision Regulations:

- The approval expiration and extension guidelines have been edited to ensure they are aligned and user-friendly. The language from Article Q has been removed, condensed, and replaced in this Article.

- With recent technology upgrades, staff can now accept digital submittals for almost all plan types. Hence, all references to required "paper" copies have been removed. All sections still state the requirement for copies, but the need for paper copies has been abandoned. This update has been made in several places throughout the LDO.

Section 6, Article K - Nonconformities:

- Some flexibility has been added to the Lots of Record language that will allow recombination of lots of record under certain circumstances. This allows for more infill development on the scale of existing, adjacent residences in neighborhoods where lots of record are common.

Section 7, Article M - Thoroughfares, Drainage & Utility Standards:

- A reference for the Town Center Plan has been removed.

Section 8, Article O - Landscaping & Tree Protection Standards:

- The Type D landscape buffer has been removed as an option for buffering. It was not widely used and often needed clarification with the required street tree plantings. References to it have been removed from several places in the LDO. This Type D should not be confused with the Type D assemblage of Appendix B.

- Several amendments have been made to the Use Types classification lists in Section 9-1713 of this Article. The Use Types now refer to every use on the Permitted Use Table and more accurately classify the uses by intensity. As a result of the Use Type list updates and the removal of the landscaping & buffer specifics of Article F, the Table - Landscaping, Buffers & Screening has been amended. It now better reflects the buffer relationships between the intensity of uses. (Attachments C & D)

- The section that exempts alley-loaded homes from the standard landscape thoroughfare buffers has been edited for clarity. Exempting rear-loaded residential uses allows for a more pedestrian-friendly streetscape.

Section 9, Article Q - Procedures & Administration:

- The requirements for paper copies have been removed from this Article, and some edits have been made to the process by which final plats receive addresses. The staff has been practicing this process, but the language has not been updated until now.

- Language has been added to the section regarding Site Plans that establishes when site plans expire by referring the user to another section where the expirations are explained. This is to keep expiration information in one place to minimize inconsistency. Additionally, the site plan exemptions section has been cleaned up and clarified as to which proposals require which level of dedication based on the extent of the proposal. Language has been added that would also exempt properties from right-of-way dedication deemed inversely proportional. Inverse proportionality is when a standard required by the Town is overly restrictive for the property on which the improvement is located or proposed use.

Section 10, Article S - Interpretations & Definitions:

- Amendments to this Section have been described above.

Section 11, Appendix A - DC-1 & DC-2 Form-Based Districts:

- A reference for the Town Center Plan has been removed.

Section 12, Appendix B - RMU, CMU & EMU Form-Based Districts:

- Language has been added that would allow developers to substitute a portion of the required facade buildout with an amenitized pedestrian space, up to 10% total.

- Two clerical errors that referred to the wrong zoning districts have been amended.

Section 13, Appendix D - Planned Unit Development District:

- The design flexibility recently added to the form-based zoning districts in Appendix B has also been added to the Planned Unit Development (PUD) zoning district.

Section 14, Appendix E - Certifications:

- A certification included on annexation plats has been amended to allow the user to annex with water and/or sewer services rather than automatically having to choose both. This has been a staff practice, but the language has not been updated until now.

ADDITIONAL INFORMATION: This text amendment was considered by the Planning Board at the March 18, 2024 regular meeting and will be presented at a future Town Board meeting with a staff and Planning Board recommendation.

Fiscal Note

No

Recommendation:

No Action Required - Receive as Information

ATTACHMENTS

[CTA-2024-01 Amendment 26](#)

[Attachment A - Table - Permitted Use Table](#)

[Attachment B - Table Front Yard Zoning Lot Setback](#)

[Attachment C - Section 9-1713](#)

[Attachment D - Table - Landscaping, Buffers & Screening](#)