



Planning Board Agenda Abstract

Monday, October 21, 2024

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

Agenda Item

Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #28 - CTA-2024-03

Item Explanation

The purpose of this agenda item is to consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Amendment #28 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. 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):

- All instances of the word "thoroughfare(s)" used when referring generally to streets have been amended to "street(s)".*
- All instances where the Comprehensive Transportation Plan was referred to as the "Community Transportation Plan" have been corrected to reflect the updates made to the Comprehensive Transportation Plan.*
- General clean-up of other plan names that have changed such as the "Fuquay-Varina Pedestrian Plan" and removal of plans that are no longer effective like the "Thoroughfare Plan".*

Article A - General Provisions:

- The only changes in this Article are those discussed in the first part of this staff report, specifically, amending terminology.

Article D - Conventional Zoning Districts:

- The ability to develop standalone residential subdivisions in the Highway Corridor Overlay District has been removed. Prohibiting standalone residential subdivisions (subdivisions not a part of a form-based or multi-use development) was the intent of the section and has been the practice of staff, but language was deemed necessary for clarity.

Article F - Use Regulations:

- The regulations for backyard beekeeping have been clean up and amended to conform to new legislation in the NC General Statutes. There is now no limit on the number of hives permitted on a residential lot in the ETJ, and further regulation has been established as to where on the residential lot a beehive may be located.

- Language has been added to the Construction Services section that would allow general and special trade contractors in the RLI and HI zoning districts to store their materials on lots with or without primary structures. With an increased buffer and fencing, it may be appropriate for some industrial uses to have stockyards that are not on the same parcel as their office or storefront facilities. See Attachment A.

- The regulations for in-home day cares have been further clarified as to what type of permit is required from the Town. Currently, the State sets the standards for how many adults or children can be kept at one time by one caregiver and this amendment will better align the Town's standards with the State standards. Additionally, staff is proposing a "large in-home day care" option where a resident may apply for a special use permit in order to provide care for more than the minimum number of adults or children. This is in an effort to allow larger day care operations but still ensure they will be maintained in a fashion that is appropriate in a residential setting. See Attachment A.

- The section on Mobile Restaurants (now termed "Food Trucks") has been overhauled in an effort to modernize and employ the learned experiences of the past few years. Since 2016, food trucks have increased as a business type and the Town's many breweries and vibrant downtowns have become the epicenter of the food truck industry in southern Wake County. New uses with food trucks are being proposed such as commercial kitchens (adopted with CTA-2023-04), and food truck campuses and as such, this amendment seeks to clean up the existing regulations to respond to how food trucks have evolved. See Attachment A.

- The maximum number of food trucks at one time on an individual private lot has been amended from a maximum of two (2) to a maximum of three (3). This is to align our standards with our neighbor community's standards.

- *Additional regulations as to where a food truck can be located have been established.*
- *Operational standards and required permitting for operations have been clarified. Some sections have been moved to other areas of the Food Truck section for ease of use.*
- *Some clarification has been made as to when a Special Event Permit is required in regard to food truck events.*
- *A new use is proposed for the addition to the Permitted Use Table: Food Truck Campus. This use is intended to allow permanent areas for food trucks to be located within nonresidential zoning districts. Standards for how a food truck campus may operate have been added, including where and when it may operate. This use is in response to a growing interest of the public for alternatives to restaurants or bars. These regulations are drafted based on the success of neighboring jurisdictions' similar permitted uses.*
- *Townhomes developed in Planned Unit Developments are now subject to the same right-of-way requirements that similar developments in the Town Center Residential and Downtown Center-2 districts.*
- *The exemption for sidewalk installation on certain cul-de-sacs has been removed from the zero-lot line development section. All standards related to cul-de-sacs can now be found in the Town Standard Specifications and Construction Details document.*
- *The requirement for residents seeking Accessory Dwelling Unit permits to apply for a zoning compliance letter has been removed as the confirmation of zoning compliance and confirmation of the additional Accessory Dwelling Unit standards has been integrated into the building permit process with the Inspections Department. This requirement is more comprehensive than a zoning compliance letter.*
- *The requirement for a bed and breakfast use to be affiliated with the National Bed and Breakfast Association. This is difficult to enforce and does not acknowledge there may be multiple professional associations. The established use standards will still delineate a bed and breakfast from other short-term residential rental uses.*
- *The requirement for gas station canopies to be oriented a particular way has been amended for clarification.*

Article G - Lot & Structure Provisions:

- *The allowance for fences in planted buffers has been clarified to account for fences that may run through open space lots as well as residential lots. This is in an effort to ensure an appropriate amount of landscaping will still be in place to buffer a residential lot.*
- *Section 9-1305 has been reduced and combined with Section 9-1505. This is in an effort to keep information about nonconforming or substandard lots of record together in an effort to avoid redundancies and discrepancies.*

Article H - Building Type & Architectural Standards:

- The requirement for an altered buffer in the event a building addition is within proximity to a Type 7 or greater thoroughfare has been removed. This situation will now default to the Landscaping, Buffers & Screening table found in Article O which provides an equal level of screening. Relocating supplemental information to more appropriate locations reduces the opportunity for redundancies and discrepancies.

- The section requiring a certain style of roof to be found on canopies over gas pumps has been amended to state that the roof must match the materials of the primary building. This amendment allows for flexibility as tastes and fashion change, but still ensures a high-quality end product.

- An allowance has been added that would permit residential amenity buildings to be exempted from some commercial building massing standards, as residential amenity buildings are often commercial buildings but with a more residential expression to conform to the character of the neighborhood they serve. This allowance would permit residential amenity buildings some flexibility in design.

- Language allowing a reduction in the required percentage of facade glazing on a secondary facade via an administrative adjustment request has been added to the section requiring glazing on commercial buildings. This addition is to provide additional design flexibility.

Article I - Environmental Protection Standards:

- The only changes in this Article are those discussed in the first part of this staff report. Amendments to change the names of documents and remove references to documents that are no longer valid.

Article J - Subdivision Regulations:

- A requirement that subdivisions adjacent to public greenways shall be required to provide access to such greenway has been added to this section. This is in an effort to connect more residents to the greenway system, a key goal of the 2040 Comprehensive Transportation Plan update.

- The requirements for parking at mail kiosk locations have been amended to allow developers of projects greater than 30 lots to include two (2) parking spaces dedicated for mail kiosk use. One (1) of these parking spaces is required to be ADA accessible. For projects under 30 lots, developers are not required to provide parking but must supply pedestrian ADA access from all lots to the mail kiosk.

Article K - Nonconformities:

- Language for substandard nonresidential lots of record has been added to this section from section 9-1305.

- Stricter expiration language has been added to the nonconforming use standards for discontinued adult uses that align them with the current Downtown standards.

Article L - Signs:

- The only changes in this Article are those discussed in the first part of this staff report, specifically, amending terminology.

Article M - Thoroughfares, Drainage & Utility Standards:

- A section has been removed regarding required street and pedestrian development in the form-based districts (RMU, CMU & EMU). With the update of the 2040 CTP, the decision was made to remove the form-based street cross-sections and combine them with the updated street cross-sections that are applicable to all Town streets. This is in an effort to have one comprehensive list of the street sections that are flexible enough to apply to all development types.

- Language has been added to require developers of subdivisions that connect to existing stub roads on a road that is considered orphaned to upgrade the entirety of the path through the subdivision on the orphaned road so as not to further damage a road whose maintenance responsibility is undetermined.

- The section that previously outlined the right-of-way classifications for different streets in Town has been updated for the new street classifications established in the 2040 Comprehensive Transportation Plan.

- Language regarding sidewalk and side path width and when they should be used has been removed as this information will now be kept in the Town Standard Specifications and Construction Details.

- The section on cul-de-sacs and roundabouts has been greatly reduced as this information will now be kept in the Town Standards Specifications and Construction Details.

- Several sections of this Article have been amended to align with new terminology as proposed in the 2040 Comprehensive Transportation Plan.

- The newly approved NC 55 Hwy Extension (U-5751) and US 401 Highway Bypass have been added to the list of rights-of-way that have different dedication and/or construction requirements. Because these roads will be built using external funding sources, only dedication of the right-of-way will be required from developers who build adjacent to them.

- The language requiring industrial subdivisions to connect to public streets has been removed as this information will now be kept in the Town Standard Specifications and Construction Details.

- Language outlining where sidewalks may not be required has been removed as this information will now be kept in the Town Standard Specifications and Construction Details.

- Language outlining sight distance standards has been removed as this information will now be kept in the Town Standard Specifications and Construction Details.

Article N - Parking, Loading & Lighting Design Standards:

- Language determining how many parking spots are required for a food truck campus use has been added to the Parking Standards table. See Attachment B.
- Permeable paver systems have been added as a possible material for off-street parking locations. Staff has deemed it appropriate as a surface material.
- Language that permits loading bays by the amount of proposed or existing gross floor area has been removed as this determination should be based more on use than size of the structure. Staff felt that this table was overly restrictive and that requiring a certain number of loading bays was not necessary, as the need will be determined by the use's demand.

Article O - Landscaping & Tree Protection Standards:

- The section determining where street trees must be placed has been rewritten to accommodate the amended street types in the 2040 Comprehensive Transportation Plan.
- The language requiring foundation plantings for non-residential buildings has been amended to required rear facade plantings when a rear facade faces a right-of-way or access drive as this portion of the building will be generally visible to the public.
- The language requiring landscape islands in parking lots has been reduced from two islands for the first 20 parking bays and then one more for every additional 20 parking spaces to one landscape island for every 20 parking bays. This language simplifies the calculation.
- The section on Use Type classifications has been completely rewritten to better align uses with their intended buffer requirements. The buffers are established in Table - Landscaping, Buffers & Screening. See Attachment C (a clean version of the proposed Use Type list has been added to this attachment for reference).
- The language establishing where a fence may be placed in relation to a required perimeter buffer has been amended to require the planting on the outside of the fence. This is in an effort to create a pleasing visual barrier from the right-of-way or adjacent property.
- An additional buffer type, the Type A+ Buffer has been established with this amendment. Staff has determined that the Type A Opaque Buffer was not sufficient between some uses so a more densely planted buffer is hereby proposed. This buffer will be comprised of mostly evergreen trees and completely evergreen shrubs in an effort to provide the most screening possible. Uses that are subject to this buffer have been established on Table - Landscaping, Buffers & Screening. See Attachment C.
- A note regarding how Table - Landscaping, Buffers & Screening should be read has been removed as the note is no longer relevant due to the restructuring of the table. The differentiation between residential and nonresidential buffers have been removed.

Article P - Administrative Powers & Duties:

- The only changes in this Article are those discussed in the first part of this staff report, specifically, amending terminology and cleaning up plan names.

Article Q - Procedures & Administration:

- Language in the food truck application section of this Article has been amended to match the amendments in Article F.*
- Language for expiration of site plan approvals has been added to this section. Previously this language was kept in Article J which led to user confusion since Article J is specifically regarding subdivisions.*
- The section on street name changes has been amended to clean up and modernize the requirements. Street name changes are rarely requested so the section was in need of an update as some processes have changed.*

Article S - Interpretations & Definitions:

- A definition for "Alley" has been added where previously there was none.*
- Adult day care has been added to the definition of "Day Care, In-Home" where previously it referred only to the day care of children.*
- The terms "Expressway", "Freeway", "Major Thoroughfare", and "Minor Thoroughfare" have been amended to better fit how the 2040 Comprehensive Transportation Plan uses the terms. Specifically, discontinuing the practice of defining road types by their right-of-way width.*
- The terms "Rear Access Street" and "Rear Alley" have been removed from the definitions section as they are no longer a type of street being used or that will be used by the Town. Alley is now the accurate term.*
- All mentions of streets specific to the form-based districts have been removed through the LDO. As of the adoption of the 2040 Comprehensive Transportation Plan, there will no longer be a differentiation between streets applicable to form-based or streets applicable to the rest of the zoning districts in Town.*
- The definitions of "Street" and "Thoroughfare" have been updated to fit the updates being proposed in the 2040 Comprehensive Transportation Plan which more closely aligns the Town's terminology with industry terminology. This will allow for better ease of use across documents.*

Appendix A - DC-1 & DC-2 Form-Based Districts:

- The only changes in this Appendix are those discussed in the first part of this staff report, specifically, amending terminology and cleaning up plan names.*

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

- The following tables and figures are proposed for removal from Appendix B due to the overhaul of Town streets with the 2040 Comprehensive Transportation Plan update.*

All language referring to any of these tables and figures has been removed as well. See Attachment D.

- Table - Private Frontage*
- Table - Thoroughfare Cross-Section Type*
- Table - Transportation Way*
- Figure - Effective Turning Radius - Illustrative Only*
- Table - Public Frontage Types*
- Table - Thoroughfare & Frontage - Illustrative Only*
- Table - Pre-Approved Assemblies*
- Table - Utility Easements*
- A requirement for a mid-block crossing has been added to all blocks that are proposed to exceed the maximum block length. This is in an effort to maintain a pedestrian friendly street network while allowing for flexibility in block length.*
- Language that previously required lots to be comparable in number to the number of lots in an adjacent subdivision has been removed in favor of the new Type A+ buffer language. This is in an effort to provide a higher level of screening to existing neighborhoods.*
- A requirement for "no parking" signs that was previously in another section of Appendix B has been moved to the Parking Location Standards section where it is more appropriate.*
- Language that states how street trees and sidewalks shall interact has been added to the public frontage section. Staff deemed it necessary to differentiate between intensity of uses in the form-based districts.*
- The section determining how bicycles should be accommodated on travel lanes has been removed as this information will now be kept in the Town's Standard Specifications & Construction Documents.*

Appendix C - Town Center Residential District:

- The only changes in this Appendix are those discussed in the first part of this staff report, specifically, amending terminology and cleaning up plan names.*

Appendix D - Planned Unit Development:

- Language has been added to this section that will prohibit residential lots from containing flood hazard soils.*
- Language that previously required lots to be comparable in number to the number of lots in an adjacent subdivision has been removed in favor of the new Type A+ buffer language. This is in an effort to provide a higher level of screening to existing neighborhoods.*
- Language regarding sidewalks in relation to cul-de-sacs has been removed as this information will now be kept in the Town Standard Specifications and Construction Details.*

Appendix E - Certifications:

- A note in the Plat Notes section has been rewritten to indicate that some lots may be subject to further standards in Article I.

RECOMMENDATION: Management and 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-2024-03 Amendment #28, an amendment to the Town Code of Ordinances, Part 9 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-2024-03 - Amendment 28](#)

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

[Attachment B - Table - Parking Standards](#)

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

[Attachment D - Tables - Appendix B \(Multiple\)](#)