



Fuquay-Varina Board of Commissioners

September 2, 2025

*AN ORDINANCE BY THE GOVERNING BOARD
OF THE TOWN OF FUQUAY-VARINA, NORTH CAROLINA
AMENDING THE TOWN CODE OF ORDINANCES
PART 9, LAND DEVELOPMENT ORDINANCE
AMENDMENT NO. 30*

CTA-2025-04

NOW, THEREFORE BE IT ORDAINED, by the Board of Commissioners of the Town of Fuquay-Varina, North Carolina, the following:

Section 1. Article C ESTABLISHMENT OF ZONING DISTRICTS is amended as follows:

§9-1103 AMENDMENTS TO THE OFFICIAL ZONING MAP

Amendments or changes made to the Official Zoning Map boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of the Land Development Ordinance, specifically Article Q Procedures & Administration. Changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Board of Commissioners with an entry on the Official Zoning Map. No amendment to the Land Development Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such changes and entries are made on the Official Zoning Map by the Planning Director ~~or his/her designee~~.

§9-1105 ZONING MAP DISPUTES

The Planning Director ~~or his/her designee~~ shall have the authority to interpret the Official Zoning Map and determine where the boundaries of the different zoning districts fall, if in dispute. If the decision of the Planning Director ~~or his/her designee~~ is not agreeable by ~~the person or entity requesting the interpretation such person or entity may appeal to the Town Manager, and if there is still disagreement~~ the person or entity, the person or entity may appeal to the Town of Fuquay-Varina Board of Adjustment.

§9-1106 MAINTENANCE OF THE OFFICIAL ZONING MAP

The Planning Director ~~or his/her designee~~ shall be responsible for the maintenance and revisions to the Official Zoning Map upon the adoption by the Town Board of Commissioners of a zoning district change. The Planning Director ~~or his/her designee~~ shall make the necessary changes to the Official Zoning Map promptly upon adoption.

Section 2. Article D CONVENTIONAL ZONING DISTRICTS is amended as follows:

§9-1151 TRADITIONAL ZONING DISTRICTS

a. **Resource Conservation (RC) Zoning Districts**

The Resource Conservation (RC) Zoning District is intended to permit agricultural farming operations, forestry management, and farmsteads, and to protect environmentally sensitive areas ~~including but not limited to jurisdictional wetlands, FEMA regulated floodplains, floodplains determined by a flood study, riparian buffers, steep slopes or bluffs (grade of 25% or greater) as defined in Article S Interpretations & Definitions~~, specific flora and fauna areas of indigenous plant material, historic land, features or structures, environmental or public or private parks, greenways, and other parcels or land deemed necessary by the Town and approved by the Town Board of Commissioners. This district may accommodate proposed and existing residential uses on a zoning lot at a density not to exceed one (1) single-family detached dwelling unit per three (3) acres. The Town may extend public utilities and/or the transportation system into or through this district.

**No text amendments are proposed for b.-k. of this section; hence, they are omitted from this document.*

Section 3. Article E FLOATING ZONING DISTRICTS is amended as follows:

S9-1201 TRADITIONAL ZONING DISTRICTS

a. **Planned Unit Development (PUD) Zoning District**

The Planned Unit Development (PUD) Zoning District is intended to permit variations and flexibility to create a plan for a unified high quality overall development that would otherwise not be possible under the Land Development Ordinance. A planned unit development is recognized and considered desirable as part of the Town's development pattern to address urban design, meet the demand for all types of housing, include public and private parks and greenways, and incorporate necessary and desired commercial and educational facilities. This district may accommodate residential uses not to exceed six (6) dwelling units per gross acre with public utilities. This type of development encourages the conservation and more efficient use of open space, protection of environmentally sensitive areas as defined in Article S Interpretations & Definitions, enhances recreation and activities for healthy living, promotes a pedestrian friendly environment and well-designed and coordinated streets and pedestrian patterns. The Town encourages this type of development that can be resilient to market trends and is an economic strength for the community. This district is intended to offer flexibility in regulations and performance standards to create a total development master plan integrating a mix of uses rather than separation of uses so that residential, retail, office, recreational, and educational environments are conveniently located to each other. The Planned Unit Development District standards shall be in accordance with Appendix D Planned Unit Development District.

**No text amendments are proposed for b. of this section; hence, it is omitted from this document.*

Section 4. Article F USE REGULATIONS is amended as follows:

S9-1254 PERMITTED USE TABLE

See Attachment A – Table – Permitted Use Table

S9-1255 USE STANDARDS

c. **Assembly**

(2) **Banquet Hall**

F. Event Space. In the Downtown Center-1 (DC-1), Downtown Center-2 (DC-2), Residential Mixed Use (RMU), Commercial Mixed Use (CMU), and Employment Mixed Use (EMU) Zoning Districts, an event space with a maximum occupancy of 50 people, is permitted as a primary use. This use shall not be required to meet the acreage or setback standards required under the Banquet Hall use.

**No text amendments are proposed for A.-E. of this section; hence, they are omitted from this document.*

(7) Funeral Home

A. General Standards

i. Minimum Lot Size with Associated Cemetery. If the funeral home is an accessory to a cemetery or if a funeral home is proposed on the same property as a cemetery, the zoning lot shall be a minimum of five (5) acres.

ii. Funeral Home & Facilities Area. The funeral home and facilities, including parking, shall not exceed 25% of the total size of the cemetery.

B. Crematorium

i. Minimum Setback. The facility is located no closer than 75 feet from any property line or public right-of-way.

C. Monument Sales, Retail

i. Principal Structure Required. A principal structure as a sales office shall be on the property where the monument sales take place.

ii. Setback. Display of monuments shall be set back a minimum of 20 feet from a public right-of-way.

iii. Maximum Display Area. Monument sales ancillary to a funeral home is permitted, except such area shall not exceed 10% of the property.

**No text amendments are proposed for (1) or (3)-(6) of this section; hence, they are omitted from this document.*

j. **Food & Beverage**

(2) **Food Trucks**

C. *Operation Standards*

viii. *Permits & Licenses.*

1. All equipment required for the operation, all food preparation, storage and sales/distribution shall be in compliance with all applicable County, State and Federal sanitary regulations. The operator/vendor shall have obtained proper licenses from the County, State and local agencies which shall be clearly and visibly displayed with the food truck. ~~If Wake County revokes or suspends the issued food vending permit for any reason, the issued Town permit for the business operation will be revoked or suspended accordingly.~~

5. Food Truck permits issued in accordance with the Land Development Ordinance may be revoked by the Town for any of the following:
 - I. Fraud, misrepresentation or false statements contained in the application for the permit;
 - II. Fraud, misrepresentation or false statements made in connection with the selling of food or beverages;
 - III. A violation of this Code and/or other ordinance of the Town;
 - IV. Conduct or activity that constitutes a breach of peace or constitutes a menace to the health, safety, morals or general welfare of the public;
 - V. The Food Service Permit is revoked or suspended for any reason by the issuing County or State agency.

**No text amendments are proposed for 2-4 of this section; hence, they are omitted from this document.*

**No text amendments are proposed for i.-vi. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A., B., or D. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1), (3), or (4) of this section; hence, they are omitted from this document.*

I. Residential Development

(2) **Multi-Family**

D. *Townhouse Development*

vii. *Minimum Dimensions*

1. *Lot Width & Frontage.* Minimum ~~48~~ 20 feet

**No text amendments are proposed for 2. of this section; hence, it is omitted from this document.*

x. *Open Space*

1. A townhouse development greater than four (4) acres shall provide a minimum of 15% of the gross acreage as ~~open-space common green, the majority of which should be activated.~~ Plans for all open space and active

recreation areas shall be submitted with the preliminary subdivision for the townhouse development in accordance with **Article Q Procedures & Administration.**

**No text amendments are proposed for 2. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for i.-vi., viii.-ix., or xi.-xiii. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A.-C. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) or (2)-(6) of this section; hence, they are omitted from this document.*

m. Ancillary Residential

(1) Accessory Dwelling Unit (ADU)

- F. **Setbacks.** The accessory dwelling unit shall comply with the applicable setback requirements for the zoning district in which it is located, in accordance with **Article G Lot & Structure Provisions & §9-1255 Use Standards, p. Miscellaneous Use, (1) Accessory Uses, G. Accessory Use, Residential, v. Setback & Location Requirement of the Land Development Ordinance.**

**No text amendments are proposed for A.-E., or H.-J. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2) or (3) of this section; hence, they are omitted from this document.*

p. Miscellaneous Use

(1) Accessory Uses

B. Accessory Use, Non-Residential – Drive-Through

~~i. **Drive-Through Canopy.** Drive-through canopies shall be a pitched roof consisting of materials and an angle to match the principal building.~~

ii. **Drive-Through in DC-1 Zoning District.**

iii. **Drive-Through Location in All Other Districts.** The siting of drive-through windows for any use shall be ~~located behind and screened by~~ **located on the side or rear façade of** the principal building ~~and cannot face a right-of-way, unless otherwise specified in §9-1255 Use Standards, i. Bank/Credit Union.~~ Location and design of the access driveway shall minimize impacts on pedestrian activity and comply with Town Standard Specifications and Construction Details.

~~iii. **Exception for a Secondary Facade.** A drive-through window on a secondary facade facing a public right-of-way may be permitted by administrative adjustment in accordance with Article Q Procedures & Administration, §9-1808 Common Application Procedures, a. Administrative Adjustments. The applicant must document that either lot configuration or resulting compromised vehicular circulation justify the drive-through window facing a secondary right-of-way.~~

**No text amendments are proposed for iv. of this section; hence, it is omitted from this document.*

G. Accessory Use, Residential

- vi. *Special Use Permit.* Accessory use/building/structure may be increased up to a maximum of 25% larger than the maximum square footage permitted for any one (1) accessory use/building/structure with approval of a special use permit by the Board of Adjustment. See Article Q Procedures & Administration. Accessory Dwelling Units are not included in this provision and shall not be increased above the maximum size allowed in §9-1255 Use Standards, M. Ancillary Residential, (1) Accessory Dwelling Unit, C. Maximum Size.

**No text amendments are proposed for i.-v., vii., or viii. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A., C.-F., or H. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2)-(11) of this section; hence, they are omitted from this document.*

y. **Retail Sales & Service**

~~(3) — Convenience Store~~

~~A. — With Gas Pumps~~

- ~~i. — Design Standards.~~ If located as an out parcel to a shopping center, then the unified designs standards for the shopping center shall apply.
- ~~ii. — Roof.~~ The canopy over the gasoline pumps shall match the form and materials of the roof on the convenience store.
- ~~iii. — Building & Canopy Location.~~ The convenience store building shall be located between the primary abutting street and the gasoline pump canopy.
- ~~iv. — Canopy Orientation.~~ For corner lots, the shorter side of the canopy over the gas pumps shall face the secondary abutting street with the canopy no closer to the secondary street than the convenience store building.
- ~~v. — Window Signs.~~ Signage advertising particular items and sales on windows shall be in accordance with Article L Signs.

~~B. — Without Gas Pumps~~

- ~~i. — Pitched Roofs.~~ A free-standing convenience store shall have shingled, or tile pitched roofs; flat roofs are prohibited. If the convenience store is part of an in-line shopping structure the roof shall be the same as the shopping center.
- ~~ii. — Window Signs.~~
- ~~iii. — Architectural Character.~~
- ~~iv. — Convenience stores in the form-based districts of Town Center Residential (TCR); Residential Mixed-Use (RMU), or Commercial Mixed-Use (CMU) shall not be permitted to have gas pumps associated with the use.~~

~~(3)~~ **Gas Station**

- ~~A. Design Standards. If located as an outparcel to a shopping center, then the unified design standards for the shopping center shall apply.~~
- ~~B. Primary Building Required. Gas stations shall only be permitted when in conjunction with a retail sales and service use. Standalone pumps with or without a canopy shall not be permitted. A kiosk shall not meet the requirement for a primary building.~~
- ~~C. Roof. The canopy over the gasoline pumps shall match the form and materials of the roof on the primary retail building.~~
- ~~D. Canopy Requirements.
 - ~~i. Canopy Required. Canopies are considered an accessory structure to the gas station and shall not be located in the front or side yards. All gas pumps shall be covered by a canopy or roof structure.~~
 - ~~ii. Building & Canopy Location. The primary retail building shall be located between the primary abutting street and the gasoline pump canopy.~~
 - ~~iii. Canopy Orientation. For corner lots, the shorter side of the canopy over the gas pumps shall face the secondary abutting street with the canopy no closer to the secondary street than the retail building.~~~~

~~(6)~~ **Funeral Home**

~~A. Residential Districts:~~

- ~~i. Minimum Lot Size. If the funeral home is an accessory to a cemetery or if a funeral home is proposed on the same property as a cemetery, the zoning lot shall be a minimum of five (5) acres.~~
- ~~ii. Funeral Home & Facilities Area. The funeral home and facilities, including parking, shall not exceed 25% of the total size of the cemetery.~~
- ~~iii. A Special Use Permit is required for operation in the Residential Agricultural (RA); Residential Low Density (RLD), Residential Medium Density (RMD), and Residential High Density (RHD) Zoning Districts.~~

~~B. Crematorium:~~

- ~~i. Minimum Setback. The facility is located no closer than 75 feet from any property line or public right-of-way.~~

~~C. Monument Sales, Retail~~

~~i.—Principal Structure Required. A principal structure as a sales office shall be on the property where the monument sales take place.~~

~~ii.—Setback. Display of monuments shall be set back a minimum of 20 feet from a public right-of-way.~~

~~iii.—Maximum Display Area. Monument sales ancillary to a funeral home is permitted; except such area shall not exceed 10% of the property.~~

~~iv.—Monument sales shall be permitted in the Neighborhood Commercial (NC), Corridor Commercial (CC), and General Commercial (GC) Zoning Districts only.~~

**No text amendments are proposed for (1), (2), (4), (5), or (7)-(13) of this section; hence, they are omitted from this document.*

bb. Warehouse & Distribution

(2) Warehouse & Distribution Center

D. Accessory Use Allowed. Accessory uses, like retail and/or showroom space, shall be a maximum of 10% of the gross floor area of the associated warehouse use.

**No text amendments are proposed for A.-C. this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for a.-i., k., n.-o., q.-x., z.-aa., or cc. of this section; hence, they are omitted from this document.*

Section 5. Article G LOT & STRUCTURE PROVISIONS is amended as follows:

S9-1301 GENERAL DIMENSION & MEASUREMENT STANDARDS

d. General Standards for Setbacks

~~(5) Internal Building Setbacks~~

~~A.—Except for multi-family, townhouses, mixed-use developments, and developments located within the DC-1 & DC-2 Form-Based Districts and the RMU, NMU, & UMU Form-Based Districts, internal building setbacks for flex space buildings, and congregate living facilities shall comply with the following setback standards:~~

~~i.—Front to Front—Minimum 50 feet~~

~~ii.—Side to Side—Minimum 20 feet~~

~~iii.—Side to Rear or Rear to Side—Minimum 30 feet~~

~~iv.—Rear to Rear—Minimum 40 feet~~

**No text amendments are proposed for (1)-(4) or (6)-(10) of this section; hence, they are omitted from this document. The remaining items in this section have been renumbered from (6)-(10) to (5)-(9).*

**No text amendments are proposed for a.-c. of this section; hence, they are omitted from this document.*

§9-1302 PERMITTED ENCROACHMENT INTO REQUIRED YARD SETBACKS

d. Side Yard Zoning Lot Setback

See Attachment B – Tables – Side Yard Zoning Lot Setback

**No text amendments are proposed for a.-c., e., or f. of this section; hence, they are omitted from this document.*

§9-1303 FENCE & WALL INSTALLATIONS

a. Fence Material

- (1) **Corporate Limits.** A fence may be constructed of wood, masonry, stone, wrought-iron, black aluminum, synthetic material or chain-link, unless otherwise provided by the Land Development Ordinance. Fencing shall be installed with the finished surface facing out to a public street or an adjacent property. The use of chain-link fencing shall require the chain link to be covered with a plastic coating of either black or green or powder coated.

**No text amendments are proposed for (2) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for b.-f. of this section; hence, they are omitted from this document.*

Section 6. Article H BUILDING TYPES & ARCHITECTURAL STANDARDS is amended as follows:

§9-1354 ARCHITECTURAL & DESIGN REQUIREMENTS

c. General Building Façade Materials

- (4) **Roofs for All Nonresidential Buildings & Structures**

D. Roof Materials. Corrugated metal roofs and wood shake roofs are prohibited except where these types of roofs are not visible from any point along a public right-of-way. Standing seam metal roofs with a 24-inch separation between the seams which are black, brown, or grey in color shall be permitted.

**No text amendments are proposed for A.-C. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1)-(3), or (5) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a., b., or d.-i. of this section; hence, they are omitted from this document.*

§9-1357 MULTI-FAMILY DEVELOPMENTS

~~a. Roof Treatment~~

- ~~(1) **Three (3) Stories or Less.** Multi-family development of 3 stories in height or less shall use hip or gable roofs only.~~

- ~~(2) **Above Three (3) Stories.** Building greater than three (3) stories in height may provide parapet walls.~~

~~a b. Façade Treatment~~

- (2) **Architectural Treatment.** Buildings shall incorporate windows, ~~glass~~ doors, ~~balconies, or clear space openings, columns, eaves, and parapets,~~ comprising not less than 30% of the ~~total~~ wall area ~~adjacent to or visible from~~ a public ~~or private~~ right-of-way.

**No text amendments are proposed for (1), (3), or (4) of this section; hence, they are omitted from this document.*

b. Building Façade Materials

- (1) Multi-family buildings containing more than 4 residential units: all building facades shall consist of brick or stone (minimum 50% of each wall area ~~after the area of Architectural Treatment has been deducted~~) and a minimum of one (1) additional material of stone, architectural concrete, EIFS (~~maximum 20% of a single wall area~~), architectural metal panels, metal accent, wood or fiber cement siding (~~maximum 20% of a single wall area~~). Corrugated metal and vinyl siding are prohibited; metal and vinyl may be incorporated for doors, windows and architectural details.

**No text amendments are proposed for (2) or (3) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for d. or e. of this section; hence, they are omitted from this document. Additionally, the remaining letters in the section have been relettered from d. and e. to c. and d.*

Section 7. Article I ENVIRONMENTAL PROTECTION STANDARDS is amended as follows:

§9-1401 FLOOD DAMAGE PREVENTION REGULATIONS

k. Provisions for Flood Hazard Reduction

(2) **Specific Standards**

- G. *Temporary Non-Residential Structures.* Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Planning Director ~~or his/her designee~~ a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Planning Director ~~or his/her designee~~ for review and written approval:

**No text amendments are proposed for a.-j. or l. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) or (3)-(7) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A.-F. or H.-J. of this section; hence, they are omitted from this document.*

§9-1402 FLOOD HAZARD SOILS

b. Applicability & Exemption

(1) **Applicability.**

- B. *Conventional Subdivisions.* A conventional subdivision shall comply with the requirements of Article J Subdivision Regulations in regard to environmentally sensitive areas ~~as defined in Article S Interpretations & Definitions including flood hazard soils.~~

**No text amendments are proposed for A. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (2) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for a. or c.-g. of this section; hence, they are omitted from this document.*

S9-1403 WATERSHED PROTECTION REGULATIONS

e. Remedies

- (2) **Planning Director May Order Stop of Illegal Use.** If the Planning Director ~~or his/her designee~~ finds that any of the provisions of these regulations are being violated, ~~he/she they~~ shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The Planning Director ~~or his/her designee~~ shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by these regulations to ensure compliance with or to prevent violation of its provisions. If a ruling is questioned, the aggrieved party or parties may appeal such ruling to the Town of Fuquay Varina Board of Adjustment.

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

j. Subdivision Regulations for Watershed Protection Areas

- (2) **Subdivision Review Procedures.**
- A. **Review.** All proposed subdivisions shall be reviewed prior to recording with the Registry of Deeds by submitting a vicinity map to the Planning Director ~~or his/her designee~~ to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated Public Water Supply Watershed area shall not be subject to the provisions of the Water Protection Regulations and may be recorded provided the Planning Director ~~or his/her designee~~ initials the vicinity map. In addition, subdivisions within a WS-IV Watershed are subject to the provisions of the Water Protection Regulations only when an erosion and sedimentation control plan is required under the provisions of State law, or approved local ordinance. Subdivisions within the designated watershed shall comply with the provisions of the Watershed Protection Regulations and all other State and local regulations that may apply.
- C. **Staff Review & Recommendation.** Where a proposed subdivision is within the designated Watershed Protection area the Planning Director ~~or his/her designee~~ shall review a completed special use permit application and submit recommendations to the Board of Adjustment for further review and final action.
- F. **Public Agency Review.** The Planning Director ~~or his/her designee~~ or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit any comments and recommendations shall not delay the Board's action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

**No text amendments are proposed for B., D., E., or G.-I. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) or (3)-(5) of this section; hence, they are omitted from this document.*

k. **Development Regulations**

(5) **Rules Governing the Interpretation of Watershed Area Boundaries.**

- E. *Interpretation.* Where other uncertainties exist, the Planning Director ~~or his/her designee~~ shall interpret the watershed map as to the location of such boundaries. This decision may be appealed to the Board of Adjustment in accordance with **Article Q Procedures & Administration.**

**No text amendments are proposed for A.-D. of this section; hence, they are omitted from this document.*

(7) **Existing Development.**

A. *Vacant Lots.*

- i. *Lots Below Minimum Regulations.* Where the lot area is below the minimum specified in these regulations the Planning Director ~~or his/her designee~~ is authorized to issue a watershed protection permit.

**No text amendments are proposed for ii. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for B.-D. of this section; hence, they are omitted from this document.*

(8) **Watershed Protection Permit.**

- B. *Permits Filed with Planning Director.* Watershed protection permit applications shall be filed with the Planning Director ~~or his/her designee~~. The application shall include a completed application form and supporting documentation deemed necessary by the Planning Director ~~or his/her designee~~.
- C. *Review & Determination.* Prior to issuance of a watershed protection permit, the Planning Director ~~or his/her designee~~ may consult with qualified personnel for assistance to determine if the application meets the requirements of the Watershed Protection Regulations.

**No text amendments are proposed for A. or D. of this section; hence, they are omitted from this document.*

(10) **Watershed Protection Occupancy Permit.**

- A. *Certificate of Occupancy.* The Inspections Director ~~or his/her designee~~, after the Planning Director ~~or his/her designee~~ has certifying that all requirements of the watershed protection regulations have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change or use of any building or land determined that the watershed protection regulations have been met, shall issue a watershed protection Certificate of Occupancy permit certifying that all requirements of the watershed protection regulations have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change or use of any building or land.
- C. *Change of Use Only.* When only a change in use of land or existing building occurs, the Inspections Director ~~or his/her designee~~, the Planning Director ~~or his/her designee~~ certifying that all requirements of the Watershed Protection Regulations have been met coincident with

the watershed protection permit, shall issue a watershed protection Certificate of Occupancy permit.

- D. *Permit Required.* No building or structure which has been erected, moved, or structurally altered may be occupied until the Inspections Director ~~or his/her designee~~, and the Planning Director ~~or his/her designee~~ have certified that all requirements of the Watershed Protection Regulations have been met, has approved and issued a watershed protection Certificate of Occupancy permit.
- E. *Permit Denial.* If the watershed protection Certificate of Occupancy permit is denied, the Planning Director ~~or his/her designee~~ shall notify the applicant in writing stating the reasons for the denial.

**No text amendments are proposed for B. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (1)-(4), (6), or (9) of this section; hence, they are omitted from this document.*

l. Public Health Regulations & Abatement

- (1) **Monitoring Land Use Activities.** The Planning Director ~~or his/her designee~~ shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- (2) **Reporting Findings.** The Planning Director ~~or his/her designee~~ shall report all findings to the Board of Adjustment. The Planning Director may consult with any public agency or official and request recommendations.

**No text amendments are proposed for (3) of this section; hence, it is omitted from this document.*

m. Administration, Enforcement & Appeals

- (1) **Watershed Administration & Duties.** It shall be the duty of the Planning Director ~~or his/her designee~~ to administer and enforce the provisions of the Watershed Protection Regulations as follows:
 - A. *Issue Watershed Permits.* The Planning Director ~~of his/her designee~~ shall issue watershed permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.
 - B. *Enforce Provisions.* The Planning Director ~~or his/her designee~~ is granted the authority to administer and enforce the provisions of the Watershed Protection Regulations, exercising in the fulfillment of ~~his/her their~~ responsibility with full police power of the Town of Fuquay-Varina. The Planning Director ~~or his/her designee~~, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon ~~him/her them~~ by the Watershed Protection Regulations.
 - C. *Maintain Records.* The Planning Director ~~or his/her designee~~ shall keep records of all amendments to the local Watershed Protection Regulations and shall provide copies of all amendments upon adoption to Water Quality Planning, Division of Water Resources.

- D. *Record of Variances.* The Planning Director ~~or his/her designee~~ shall keep or cause to be kept a record of variances to the local Watershed Protection Regulations. This record shall be submitted to Water Quality Planning, Division of Water Resources on an annual basis, such that records of variances are submitted on or before January 1st of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

**No text amendments are proposed for (2)-(5) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a.-d., or f.-i. of this section; hence, they are omitted from this document.*

§9-1405 STORMWATER MANAGEMENT REGULATIONS

c. Administration & Procedures

(3) Review & Approval Schedule.

A. Concept Plan & Consultation Meeting.

- ii. *Natural Resources Inventory.* A written or graphic inventory of the natural resources on the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, ~~wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers environmentally sensitive areas as defined in Article S Interpretations & Definitions,~~ and other setbacks (e.g. drinking water well setbacks, septic system setbacks, etc. (Particular attention should be paid to environmentally sensitive ~~features areas~~ that provide particular opportunities or constraints for development.

**No text amendments are proposed for i. or iii. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for B.-E. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1), (2), (4), or (5) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a.-b., or d.-h. of this section; hence, they are omitted from this document.*

Section 8. Article J SUBDIVISION REGULATIONS is amended as follows:

§9-1452 GENERAL PROVISIONS

d. Environmental Protection

Lots in a conventional subdivision with 20,000 square feet or less, including both major and minor subdivision, shall contain a maximum of 50 percent (50%) of land area within ~~environmentally sensitive areas as defined in Article S Interpretations & Definitions, environmentally sensitive features, includes floodplain, flood hazard soils, wetlands, riparian buffer areas or intermittent streams; and~~ in compliance with ~~Article I Environmental Protection Standards.~~

**No text amendments are proposed for a.-c. of this section; hence, they are omitted from this document.*

§9-1455 MINOR SUBDIVISION

a. **Minor Subdivision Classification**

- (6) **Not in environmentally sensitive features areas.** Does not include property that is wholly or substantially located within environmentally sensitive ~~areas as defined in Article S Interpretations & Definitions features, includes floodplain, flood hazard soils, wetlands, riparian buffer areas or intermittent streams,~~ in compliance with Article I Environmental Protection Standards.

**No text amendments are proposed for (1)-(5) or (7) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for b. of this section; hence, it is omitted from this document.*

S9-1457 EXPIRATION OF APPROVALS

c. **Extension of Approval**

Upon a written request submitted by the property owner/developer to the Planning Director requesting an extension of time for a valid preliminary major subdivision plat or construction drawing approval, the Planning Director ~~or their designee~~ may grant a one (1) time extension for 12 months. Such extension request must be submitted and granted prior to the end of the initial approval period, except as follows:

**No text amendments are proposed for a. or b. of this section; hence, they are omitted from this document.*

S9-1460 BLOCKS

a. **Block Length**

Block lengths shall not exceed 800 feet in length, nor shall a block be less than 200 feet in length. Blocks adjacent environmentally sensitive ~~areas as defined in Article S Interpretations & Definitions,~~ historic land, or preexisting incomplete blocks may be exempt from block length and block perimeter requirements by administrative adjustment, in accordance with Article Q Procedures & Administration, ~~S9-1808 Common Application Procedures, a. Administrative Adjustment.~~

**No text amendments are proposed for b. of this section; hence, it is omitted from this document.*

Section 9. Article K NONCONFORMITIES is amended as follows:

S9-1501 GENERAL PROVISIONS

a. **Establishing a Nonconformity**

- (1) **Burden of Proof.** The burden of establishing any nonconformity is to be met by the owner(s) or party seeking to continue the use of land, structure, lot or sign, or any person applying for a “certificate of zoning compliance”. Such owner, person or party shall provide sufficient evidence in a form acceptable to the Planning Director ~~or his/her designee~~ based on the following:

C. **Additional Documentation.** Such additional documentation as may be deemed necessary or reasonable by the Planning Director ~~or his/her designee.~~

**No text amendments are proposed for A. or B. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for b.-e. of this section; hence, they are omitted from this document.*

S9-1505 NONCONFORMING LOT OF RECORD

b. Nonconforming Lot Area

- (1) **Noncompliance of Setback Standard.** Where a single-family lot is unable to conform to the setback standards of the district in which it is located the side setback may be reduced to not less than five (5) feet; and the rear setback may be reduced to not less than 10 feet regardless of the applicable setback of the zoning district in which it is located. Such reduction shall be approved by the Planning Director ~~or his/her designee~~ subsequent to review by the Planning Director and the Town Fire Marshal.

**No text amendments are proposed for (2) or (3) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a. of this section; hence, it is omitted from this document.*

S9-1506 NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS

c. Procedures to Obtain a Certification of Compliance

- (1) **Application.** The government/public authority initiating the eminent domain proceedings or the party impacted by the eminent domain proceedings may submit an application requesting a Certificate of Compliance to the Planning Director ~~or his/her designee~~ either before or after the first negotiation/appraisal by the government/public authority or the Order of Taking in the eminent domain proceedings, or after the sale of a parcel of land under the threat of eminent domain proceedings. The application shall include the following documentation:
- (2) **Determination of Sufficiency, Review & Decision.** After receipt of an application requesting a Certificate of Compliance, the Planning Director ~~or his/her designee~~ shall determine whether the application is sufficient within 15 days of receipt. If it is determined the application is not sufficient, notice shall be served to the applicant specifying the deficiencies. The Planning Director ~~or his/her designee~~ shall take no further action on the application unless the deficiencies are remedied. Within 20 days after the application is determined to be sufficient, the Planning Director shall review and grant, grant with conditions, or ~~disapprove deny~~ the application pursuant to the "Standards" established herein.

**No text amendments are proposed for (3) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for a.-b. of this section; hence, they are omitted from this document.*

S9-1507 NONCONFORMING SIGNS

a. Notification of Nonconformity

As soon as reasonably possible after the effective date of the Land Development Ordinance, December 30, 2016, the Planning Director ~~or his/her designee~~ shall make every reasonable effort to identify all the nonconforming signs within the Town's corporate limits and its extraterritorial jurisdiction (ETJ). The Planning Director ~~or his/her designee~~ shall then contact in writing the sign owner, property owner, or both who are responsible for such nonconforming sign(s) (and the owner(s) of the property where the nonconforming sign(s) is located if different than the person responsible for the sign) and inform such person(s) that:

Section 10: Article L SIGNS is amended as follows:

§9-1552 GENERAL SIGN STANDARDS

i. **Permitted Sign Table**

See Attachment C – Table – Permitted Signs

§9-1553 PERMANENT FREESTANDING SIGN STANDARDS

e. **Monument Sign**

(1) ***Residential Zoning Districts, Planned Unit Developments, & Form-Based Districts.***

C. *Maximum Quantity.* A maximum of two (2) monument signs shall be permitted at each public right-of-way access, or where the development abuts an intersection of two (2) Type 8 or greater streets.

**No text amendments are proposed for A., B., or D. of this section; hence, they are omitted from this document.*

f. **Integrated Center Sign**

(4) ***Maximum Quantity.*** A maximum of one (1) integrated center sign shall be permitted per access onto a public right-of-way. Where an integrated center sign is utilized, no additional permanent freestanding signs, excluding monument signs serving as development identification, shall be permitted, whether on a single parcel or multiple parcels.

**No text amendments are proposed for (1)-(3) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a-d. or f.-h. of this section; hence, they are omitted from this document.*

§9-1554 PERMANENT ATTACHED SIGNS STANDARDS

~~e. **Blade Sign**~~

~~A blade sign shall be attached to a building wall in accordance with the following standards:~~

~~(1) ***Sign Surface Area.*** The permitted blade sign shall not exceed a maximum of eight (8) square feet.~~

~~(2) ***Maximum Height.*** The maximum height of a blade sign, including surface area, frame and support structure, shall be 18 feet above the sidewalk or ground surface.~~

~~(3) ***Sign Projection.*** The projection of a blade sign and/or support structure shall not exceed five (5) feet from the building wall upon which the sign is attached.~~

~~(4) ***Clearance.*** The minimum clearance shall be seven (7) feet, measured from the bottom of the blade sign and/or support structure to the sidewalk or pedestrian travel way. No blade sign shall extend beyond the back of curb or edge of pavement, whichever is the lesser dimension.~~

~~(5) **Aggregate Signage Computation.** The total square footage provided in a blade sign shall not count toward the allowable aggregate signage computation provided by this Article.~~

~~(6) **Maximum Quantity.** There shall be one (1) blade sign permitted per public entrance.~~

~~(7) **Design Standards.** All blade signs shall be constructed and designed according to the following standards:~~

~~A. **Support Structure Material.** The support structure, frame and decorative details for a blade sign shall be constructed using flat iron works. Ornate scroll, turned ironwork and decorative designs shall be included in the blade sign structure/support design.~~

~~B. **Sign Material.** The sign material for a blade sign shall be constructed using sandblasted or painted wood, metal and/or aluminum composite material (ACM).~~

~~C. **Assembly.** Assembly of the frame and support structure shall be tack welded only. Rivets shall be prohibited.~~

c. **Projecting Sign**

~~(1) **Setbacks.** All projecting signs shall have a minimum three (3) foot setback from the back of curb along a public or private right-of-way.~~

~~(2) **Encroachments.** Projecting signs in compliance with the standards herein, may project into the air rights of a public right-of-way if approval for such encroachment is obtained from the governmental authority having jurisdiction over improvements in the public-right-of-way prior to the issuance of a permit for the projecting sign.~~

~~(3) **Sign Material.** Use of plastic as a sign surface material is prohibited; however, individual letters and characters may be constructed of plastic.~~

~~(4) **Types of Projecting Signs.**~~

~~A. **Upper-Level Vertical Sign.** A vertically formatted projecting sign displaying either a building or anchor tenant name may be installed on buildings that are two (2) or more stories in accordance with the following standards:~~

~~i. **Maximum Quantity.** There shall be no more than two (2) upper-level projecting signs permitted per building façade facing a public or private right-of-way.~~

~~ii. **Sign Surface Area.** The total sign surface for Upper-Level Vertical Signs shall be maximum three percent (3%) of the total area of the front façade of a building measured from 18 feet above grade, except that for any building which has more than one (1) façade oriented toward a public or private right-of-way, the maximum Sign Surface Area of three percent (3%) shall apply to all building façades oriented toward a public or private right-of-way.~~

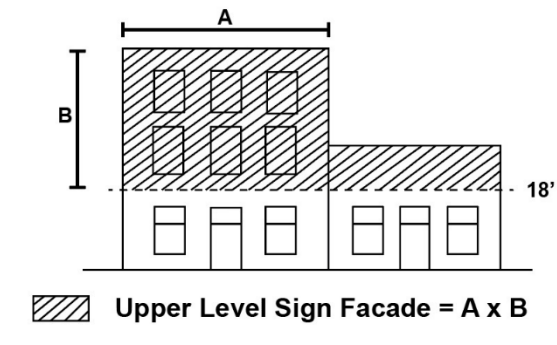


Figure – Upper-Level Sign Facade

iii. *Maximum Projection.* The sign shall not project more than four (4) feet from the building facade.

iv. *Minimum Clearance.* The bottom edge of the sign shall have a minimum clearance of eighteen (18) feet above the finished grade.

B. *Blade or Suspended Sign.* Blade or suspended signs are permitted on any single use building or on any building containing two (2) or more individual, non-related, and separately operated uses in accordance with the following standards:

i. *Location.* Blade and suspended signs shall be permitted for first floor and below-grade uses along the section of the building where the use is located.

ii. *Maximum Quantity.* There shall be no more than one (1) blade or suspended sign per building or individual, non-related, and separately operated use except on corner properties where there may be one (1) sign on each frontage.

iii. *Sign Surface Area.* Blade or suspended signs shall be a maximum sign surface area of six (6) square feet.

iv. *Aggregate Signage Computation.* The total square footage provided as a Blade or Suspended Sign shall count toward the allowable aggregate signage computation for the building or individual, non-related and separately operated use provided by the Article.

v. *Maximum Projection.*

1. A blade sign shall not project more than five (5) feet from the face of the building.

2. A suspended sign shall not project beyond the limits of the canopy or awning it is suspended from.

vi. *Minimum Clearance.* Blade or suspended signs shall have a minimum sign clearance requirement of seven (7) feet from the finished grade.

vii. *Maximum Height.* The maximum height of a blade sign, including surface area, frame and support structure, shall be 18 feet above grade.



Figure – Blade Sign



Figure – Suspended Sign

f. ~~Suspended Sign~~

~~Suspended signs shall meet the following standards:~~

- ~~(1) **Sign Surface Area.** A suspended sign shall not exceed six (6) square feet in total sign surface area.~~
- ~~(2) **Clearance.** There shall be a minimum clearance of seven (7) feet between the bottom of the sign and the pedestrian walking surface.~~
- ~~(3) **Sign Material.** A suspended sign surface area shall be wood, metal, stone, granite, painted sign, and/or aluminum composite material (ACM).~~
- ~~(4) **Aggregate Signage Computation.** The total square footage provided in a suspended sign shall not count toward the allowable aggregate signage computation provided by the Article.~~
- ~~(5) **Sign Illumination Prohibited.** A suspended sign shall not be illuminated.~~
- ~~(6) **Maximum Quantity.** No more than one (1) suspended sign shall be permitted per building located at the main entrance.~~

**No text amendments are proposed for a., b., d., e., or g. of this section; hence, they are omitted from this document.*

S9-1556 TEMPORARY SIGN STANDARDS

d. Off-Site Sign

- (8) **Revocation of Permit.** An off-site sign permit may be revoked for any violation of this section.

**No text amendments are proposed for (1)-(7) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a.-c. or e.-i. of this section; hence, they are omitted from this document.*

Section 11. Article N PARKING, LOADING & LIGHTING DESIGN STANDARDS is amended as follows:

§9-1652 GENERAL STANDARDS

Unless otherwise specifically stated in the Land Development Ordinance, the minimum ratio of parking bays shall be provided in accordance with the following table. Where a use is proposed that is not identified in the parking table to meet required parking, the Planning Director ~~or his/her designee~~ shall make an interpretation as to what category the proposed use should follow to meet required parking. If the interpretation is not agreeable the applicant may appeal to the Board of Adjustment for a ruling on the interpretation of the parking standard that shall apply. Such appeal shall be in accordance with **Article Q Procedures & Administration**.

c. Computing Minimum Parking Standards

See Attachment D - Table - Parking Standards

**No text amendments are proposed for a., b., or d.-f. of this section; hence, they are omitted from this document.*

§9-1657 SHARED PARKING STANDARDS

a. Approval of Shared Parking

The Planning Director ~~or his/her designee~~ may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

**No text amendments are proposed for b. of this section; hence, it is omitted from this document.*

§9-1658 ALTERNATIVE OFF-STREET PARKING

b. Administrative Adjustment

- (1) **Decreasing the Number of Required Parking Bays.** The Town Manager or their designee may approve alternative minimum off-street parking for the site by decreasing the number of off-street parking bays by not more than ~~10 percent (10%)~~ **fifteen percent (15%)** from the minimum off-street parking required through an administrative adjustment, per Article Q Procedures & Administration, §9-1808, a. Administrative Adjustments. The applicant must document specific requirements outlined in ~~c. Reduction by Town Board below, in addition to~~ Article Q to the satisfaction of the Town Manager or their designee that the proposed plan and off-street parking reduction shall maintain adequate off-street parking, maintain circulation patterns, and promote a quality urban design for the intended uses.
- (2) **Increase the Number of Allowed Parking Bays Alternative Calculation.** The Town Manager or their designee may approve alternative ~~maximum~~ **minimum** off-street parking for the site by ~~increasing the number of off-street parking bays by~~ using an alternative formula for calculation upon request of the applicant through an administrative adjustment. The approved formula shall be selected from Table – Parking Standards, and justification shall be provided. The applicant must document specific requirements as outlined in Article Q to the satisfaction of the Town Manager or

their designee that the proposed plan and off-street parking **increase** shall minimize additional impervious area, maintain circulation patterns, and promote a quality urban design for the intended uses.

~~c. Reduction by Town Board~~

~~The Town Board of Commissioners may consider an approval of alternative minimum off-street parking requirement by decreasing the number of off-street parking bays by not more than 15% of the minimum off-street parking otherwise required. The applicant must document specific requirements outlined in this Subsection in addition to Article Q to the satisfaction of the Town Board of Commissioners that the proposed plan and off-street parking reduction shall maintain adequate off-street parking, maintain circulation patterns and promote a quality urban design for the intended use(s).~~

**No text amendments are proposed for a. of this section; hence, it is omitted from this document.*

S9-1659 PARKING FOR ALTERNATIVE TRANSPORTATION

a. Compact & Electric Vehicles

- (1) **Dimensions for a Compact or Electric Vehicle Parking Bay.** Parking bays for compact vehicles shall be no smaller than 8 feet in width and **48 16** feet in length. Parking bays for electric vehicles shall be the same size as a standard parking bay, as determined by Table – Parking Bay Dimensional Standards and Table – Parking Bay Dimensional Standards – Angled Parking.

**No text amendments are proposed for (2) or (3) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for b. or c. of this section; hence, they are omitted from this document.*

S9-1661 OFF-SITE PARKING STANDARDS

a. Approval of Off-Site Parking

If the minimum off-street parking required by this Article for a specific use cannot be reasonably met on the same lot on which the principal use is located, the Planning Director **or his/her designee** may approve a location on a separate lot from the lot on which the principal use(s) is located if the off-site parking is in accordance with the following standards and other provisions of this Article:

(2) **Ownership.**

- A. **Attested Leasehold Interest Agreement.** An attested copy of the leasehold interest agreement between the owners of record, of the off-site parking and the site where the principal use is located, shall be submitted to the Planning Director **or his/her designee** for recordation in a form and substance established by the Town Attorney.

**No text amendments are proposed for B., C., or D. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for b.-d. of this section; hence, they are omitted from this document.*

S9-1663 OFF-STREET LOADING STANDARDS

a. **Off-Street Loading Standards**

(2) *Access to Loading/Unloading Area.*

A. *Accessing Loading & Unloading.* A loading/unloading area shall be accessible without backing a delivery vehicle across a street property line (right-of-way), customer travel lanes or driveways, except if the Planning Director ~~or his/her designee~~ determines that the provision of a turnaround space is not feasible and approves an alternative access.

**No text amendments are proposed for B. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

S9-1664 PARKING LOT LIGHTING

c. **Alternative Architectural Fixture Style**

(3) **Preapproval.** All such fixtures of a period or architectural style shall be approved by the Planning Director ~~or his/her designee~~ as a part of the subdivision, site plan or development plan review.

**No text amendments are proposed for (1), (2), or (4) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a. or b. of this section; hence, they are omitted from this document.*

Section 12. Article O LANDSCAPING & TREE PROTECTION STANDARDS is amended as follows:

S9-1702 LANDSCAPE DESIGN STANDARDS

c. **General Landscape Standards**

(3) **Trees**

C. *Ground Level Obstruction.* Trees shall be located outside a public/private utility easement or ~~a minimum of seven (7) feet from a utility meter and service line, fences (except in Planned Unit Developments), walls and other ground level other~~ obstructions according to the Town's Standard Specifications & Construction Details.

~~D. *Overhead Obstructions.* Trees shall be located a minimum of six (6) feet from a streetlight, and a minimum of four (4) feet from a porch eave, awning or similar overhead obstruction associated with a building. Trees impacting overhead power lines shall be selected and planted in accordance with the public/private utility company's plant material specifications/species and placement standards.~~

~~E. *Upper-Level Structural Obstructions.* Trees shall be located a minimum of eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.~~

**No text amendments are proposed for A., B., or F. this section; hence, they are omitted from this document. Further, due to the removal of D. and E., F. has been relettered as D.*

**No text amendments are proposed for (1), (2), or (4)-(10) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a., b., or d. of this section; hence, they are omitted from this document.*

S9-1706 INSTALLATION & INSPECTIONS

a. Installation

Plant material, including shrubs, groundcover, grasses and container grown trees, may be installed between March 1 and October 1. Field grown trees, balled & burlaped, shall be installed between October 1 and March 1; container grown trees may be utilized during other times of the year to meet the provisions of this Article. Such planting seasons may be varied based on the weather conditions at the time of the proposed planting by the Planning Director ~~or his/her designee~~.

c. Delay of Installation Standards

(1) *Circumstances for Consideration*

- B. *Environmental Conditions.*** A delay of installation may be granted due to unusual or unforeseen environmental conditions, such as drought, the soil is overly saturated, construction schedules or inappropriate planting seasons for certain types of plant species. The property owner/developer shall provide a surety in accordance this subsection, based on an estimated cost of plant material, labor and other related landscape material, or a landscaping contractor's bid or contract for the approved site plan, subdivision or phased developments. For this type of exception the Planning Director ~~or his/her designee~~ may issue a temporary Certificate of Occupancy for a period of 30 up to but not exceeding 120 days. The length of time of the temporary Certificate of Occupancy shall be based on the amount of plant material remaining to be installed and recommendations by Town's Planning Department and the Engineering Department.
- C. *Unavailable Plant Material.*** Adjustments may be granted due to the substitution or unavailability of plant species or acceptable plant sizes as specified on the site plan, preliminary subdivision plat or phased development. Up to a maximum of 20% of the required plant material to be installed on the lot or parcel of land may be delayed and a surety provided, in accordance with this subsection. The Planning Director ~~or his/her designee~~ may issue a temporary Certificate of Occupancy for a period of 30 up to but not exceeding 120 days, or to the next planting season whichever is less. All plant material substitutions shall be marked on the approved original landscaping plan and submitted to the Planning Department for signature, date and staff approval.
- D. *Unanticipated Circumstances.*** An adjustment may be granted due to circumstances beyond the property owner's/developer's control, including but not limited to incomplete site construction or utility work which prevents landscaping in certain areas of the site, for the preliminary subdivision plat or phased development, and such work will take more than 30 days to complete. In such case, the property owner/developer shall submit a letter from the general contractor or utility contractor stating the anticipated completion date. The property owner/developer shall also provide a surety, in accordance with this subsection. The Planning Director ~~or his/her designee~~ may issue a temporary Certificate of Occupancy for a period not to exceed 90 days.

**No text amendments are proposed for A. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (2) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for b. of this section; hence, it is omitted from this document.*

§9-1709 FOUNDATION LANDSCAPING REQUIREMENTS

a. General Standards

- (3) **Minimum Area & Dimension.** Foundation landscape areas shall have a total area in square feet of not less than two (2) times the linear feet of a building wall where the foundation landscaping shall be located and shall be allocated in accordance with standard planting practices. The foundation landscape area shall maintain a minimum depth at its smallest dimension of five (5) feet for nonresidential uses and multi-family developments. However, the Planning Director ~~or his/her designee~~ may approve up to a maximum of 25% of required foundation landscape area be included in above ground planters having a minimum depth of three (3) feet and a minimum of nine (9) square feet for each planter.

**No text amendments are proposed for (1), (2) or (4)-(6) of this section; hence, they are omitted from this document.*

§9-1710 PERIMETER BUFFER YARDS

a. General Perimeter Buffer Yard Standards

- (2) **Berms, Walls & Fences.** Berms, walls and fences (chain-link is prohibited), may be incorporated into the landscape design, but shall not take the place of the required landscape plant materials, ~~unless otherwise allowed in accordance with this Article.~~ A fence or wall may be permitted in a perimeter buffer in compliance with **Article G Lot & Structure Provisions**, and where required, landscape plant material shall be located the exterior side of the fence or wall. A minimum of 50% of the required landscape plant material shall be located along the top half of a berm and the remaining plant material may be on the sides and toe of the berm, unless otherwise provided by the Land Development Ordinance.

**No text amendments are proposed for (1) or (3)-(8) of this section; hence, they are omitted from this document.*

§9-1711 PARKING LOT LANDSCAPING & SCREENING

a. General Landscape Standards

- (2) **Separation between Sidewalk & Required Trees.** All sidewalks or walkways shall be located a minimum of five (5) feet from the trunk of a tree, unless approved by the Planning Director ~~or his/her designee~~ based on the following conditions:

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

b. Vehicle Parking Lot Screening & Landscaping.

- (1) **Evergreen Hedge.** A vehicle parking lot area(s) adjacent to a public right-of-way shall be screened along the adjacent right-of-way with a continuous evergreen hedge, installed at a minimum height of 24 inches and obtaining a minimum height of 42 inches at maturity or within three (3) years of the

initial installation, whichever comes first. This evergreen hedge shall be required in addition to other landscaping required in this Article. ~~Where a Type “A” Buffer is required by this Article, the evergreen hedge herein provided is not required.~~

A. Where a Type “A” Buffer is required by this Article, the evergreen hedge herein provided is not required.

B. Where a brick or stone wall is installed as part of a Type “C” Buffer, the evergreen hedge herein provided is not required.

(2) **Landscaping Islands & Median Breaks.**

B. 25 – 150 Parking Bays.

iii. *Minimum Island Size.* Each individual landscape island shall measure a minimum of 10 feet in width and a minimum of 18 feet in length (to outside of curb). Approval may be given by the Planning Director ~~or their designee~~ for irregularly shaped landscape islands due to site conditions.

**No text amendments are proposed for i., ii., iv. or v. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A. or C. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for c. or d. of this section; hence, they are omitted from this document.*

S9-1713 LANDSCAPING FOR ADJACENT USES & STREETS

g. **Types of Buffers**

(1) **General Standards.**

F. *Fencing/Berms/Wall Features.* Fencing, berms and walls may be incorporated into the buffer, but shall not take the place of the required landscape plant materials as part of the screening. unless otherwise allowed in accordance with this Article. Where a fence or wall is proposed within a perimeter buffer ~~that is part of a lot~~, such fence or wall shall be placed along the interior edge of the buffer so that 100% of the required planting is on the exterior side of the fence. The property owner/developer shall be responsible for maintaining the feature(s) in good condition and shall make repairs in a timely manner.

**No text amendments are proposed for A.-E. of this section; hence, they are omitted from this document.*

(5) **Type C: Transitional Buffer.**

B. *Shrubs.* ~~Small shrubs shall have a maximum spacing of 10 feet at installation.~~

i. Small shrubs shall have a maximum spacing of 10 feet at installation.

ii. With the addition of a minimum 4' high brick or stone wall, no shrubs are required.

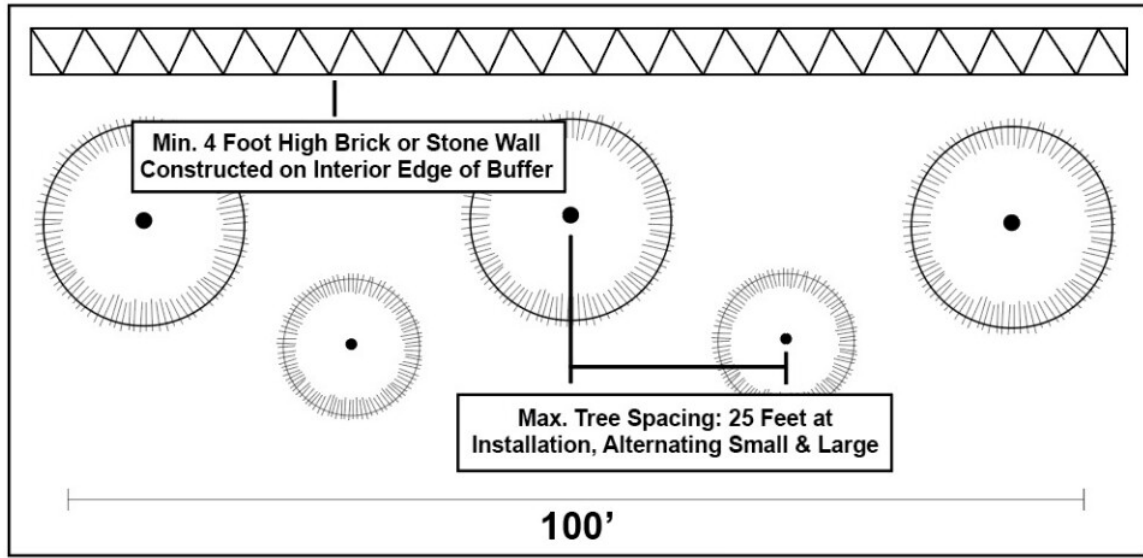


Figure – Alternate Type C Buffer

**No text amendments are proposed for A. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (2)-(4) or (6)-(10) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a.-f. of this section; hence, they are omitted from this document.*

Section 13. Article P ADMINISTRATIVE POWERS & DUTIES is amended as follows:

§9-1751 TOWN BOARD OF COMMISSIONERS

a. Powers & Duties

- (1) **Decision Making Authority.** To review, hear, consider and approve or ~~disapprove deny~~ the following:

**No text amendments are proposed for (2)-(9) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for b.-e. of this section; hence, they are omitted from this document.*

§9-1752 PLANNING BOARD

g. Powers & Duties

- (2) **Zoning Map Amendment.** The Planning Board shall review and make recommendations concerning an application for a zoning map amendment. The Planning Board shall advise and provide a written recommendation to the Town Board of the Commissioners that addresses consistency with the Comprehensive Plan comprising of officially adopted plans that are applicable to a zoning map amendment, and/or other matters deemed appropriate by the Planning Board. Where the Planning Board comments include that a zoning map amendment is inconsistent with such Comprehensive Plan, a brief explanation **as to** why the Planning Board considers the action taken to be reasonable and in the public interest **shall be made**. Such comments shall not preclude consideration or approval of the proposed zoning map amendment by the Town Board of Commissioners. The Planning Board shall also review, and make recommendations to approve,

~~disapprove deny~~ or if a proposed conditional zoning, consider the proposed conditions by the applicant and make recommendations to the Town Board of Commissioners. The Planning Board shall adopt a statement describing whether its recommendation is consistent with the adopted Comprehensive Plan and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. Such statement is not subject to judicial review.

- (4) **Text Amendments.** The Planning Board shall review, and make recommendations to approve, approve with text changes, or ~~disapprove deny~~ an application for a proposed text amendment to the Land Development Ordinance to the Town Board of Commissioners.
- (5) **Master Plan.** Hold a legislative hearing, and make recommendations to approve, approve with conditions, or ~~disapprove deny~~ a proposed Planned Unit Development Zoning District Master Plan, a proposed Form-Based Zoning District Master Plan, or a Town Center Residential Zoning District Master Plan to the Town Board of Commissioners.

**No text amendments are proposed for (1), (3), (6)-(9) of this section; hence, they are omitted from this document.*

h. Organization of Planning Board

(1) **Officers.**

C. **Clerk to the Planning Board.** The Planning Director ~~or their designee~~ shall serve as clerk to the Planning Board. The clerk shall keep minutes of all proceedings before the Planning Board, including the vote of all members upon every consideration, which shall be attested by the clerk. The minutes of a Planning Board meeting shall be approved by a majority of the Planning Board members voting at the next scheduled meeting. In addition, the clerk shall maintain all records of the Planning Board meetings, applications, hearings, proceedings, and correspondence associated with items before the Planning Board, as public records in the office of the Planning Department.

**No text amendments are proposed for A. or B. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for a.-f. of this section; hence, they are omitted from this document.*

§9-1753 BOARD OF ADJUSTMENT

q. **Expiration of Approvals.** Any order or decision of the Board of Adjustment granting a permit for a special use permit or a variance shall expire if the applicant does not ~~obtain a building permit or Certificate of Occupancy or if the project has not been substantially commenced~~ proceed with submitting an application for the next step of development such as, building permit, site plan permit, major subdivision plan, or State-required permit, as appropriate, for such use within 12 months from the date of the decision by the Board of Adjustment, except that the Board of Adjustment may consider additional time based on the application and the type of use proposed. An extension shall be considered based on the following, and is at the sole discretion of the Board of Adjustment:

r. Organization of Board of Adjustment

(1) **Officers.**

- C. *Clerk to the Board of Adjustment.* The Planning Director ~~or their designee~~ shall serve as Clerk to the Board of Adjustment. The Clerk shall keep minutes of all proceedings before the Board of Adjustment, including the vote of all members upon every consideration, which shall be attested by the Clerk. The minutes of a Board of Adjustment meeting shall be approved by a majority of the Board of Adjustment members voting at the next scheduled meeting. In addition, the Clerk shall maintain all records of the Board of Adjustment meetings, applications, hearings, proceedings, and correspondence associated with items before the Board of Adjustment, as public records in the office of the Planning Department.

**No text amendments are proposed for A. or B. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for a.-p., of this section; hence, they are omitted from this document.*

§9-1755 PLANNING DIRECTOR

c. **Administrator**

The Planning Director ~~or his/her designee~~ shall serve as the Zoning Administrator and Subdivision Administrator for the Town of Fuquay-Varina with regard to the implementation and regulation of the Land Development Ordinance.

j. **Letter of Zoning Compliance**

Make determinations and approve or ~~disapprove deny~~ a use within a zoning district through a letter of zoning compliance.

r. **Street Addressing**

The Planning Director ~~or his/her designee~~ shall assign the street addresses for all residential and nonresidential lots or buildings within the corporate limits and extraterritorial ~~restriction jurisdiction~~ of the Town. Street names are approved by Wake County Emergency Management. See Article Q Procedures & Administration.

s. **Technical Support**

The Planning Director ~~or his/her designee~~ shall prepare agendas, provide appropriate materials and serve as technical support for the Planning Board and Board of Adjustment to review and consider in conjunction with a petition.

**No text amendments are proposed for a., b., d.-i., k.-q., t., or u. of this section; hence, they are omitted from this document.*

Section 14. Article Q PROCEDURES & ADMINISTRATION is amended as follows:

§9-1801 COMMON REVIEW & PROCEDURES

c. **Application Submission Schedule**

The schedule for the submission of applications shall be established by the Planning Director ~~or his/her designee and shall be made available to the public annually.~~

d. Simultaneous Application Processing

Where two (2) or more applications are required for review and approval in accordance with the Land Development Ordinance (e.g. annexation and zoning) such applications for development approval may be, at the option of the Planning Director, processed simultaneously, except where such review and approval would conflict with applicable State and local requirements to satisfy multiple applications. ~~However, where the Land Development Ordinance requires two (2) types of reviews for the same approval (e.g. master plan and a preliminary subdivision plat), such reviews and approvals shall be completed as separate processes as required in the Land Development Ordinance.~~

i. Application Submission

An application for development shall be submitted to the Planning Department pursuant to the application submittal schedule, if required, established by the Planning Director and made available to the public along with a fee schedule adopted by the Town Board of Commissioners. The application submitted must be complete with all required materials and documentation as identified on the application form. The Planning Director ~~or his/her designee~~ shall determine if the application is sufficiently complete and has the data and sufficient detail to proceed with processing the application.

~~(1) **Application Deadlines.** Applications for certain types of approvals have required deadlines to submit an application, which are scheduled annually by the Planning Department. The deadlines for zonings and text amendments are normally the first Friday of each month unless otherwise scheduled by the Planning Department according to the annual submittal schedule. Late submittals may be permitted; however, such submittal shall not be more than two (2) days past the original deadline (not including weekends or holidays) with an increased application fee in accordance with the annually adopted fee schedule.~~

~~(2) **Approval Schedule.** When an application for zoning is submitted on the first Friday of a month the zoning application shall be scheduled before the Planning Board at their regularly scheduled meeting of the following month. The Planning Board shall make a recommendation concerning the proposed zoning that will be scheduled before the Town Board of Commissioners at the first regularly scheduled meeting of the following month. The exception to this schedule is if the Planning Board and/or Town Board of Commissioners table the zoning application for further study or information.~~

~~(3) **Determination of Sufficiency.** An application shall be considered submitted when the application is fully completed, proper signatures and contact information are provided, all documentation, plans and other ancillary applications associated with the proposed development provided, and fees paid ~~and the application is submitted by the schedule deadline~~, if required.~~

~~(5) **Staff Review.**~~

B. *Review Schedule.* A schedule will be established by the Planning Director for the review of plans and assembling comments and submitting them to the applicant. The review schedule is

based on work days only and does not include weekends or holidays. ~~With the exception of zoning cases, text amendments, and annexation petitions, each review shall require a minimum of 21 days for staff to complete the review and assemble comments.~~ The Planning Department serves as the clearinghouse for all reviews and comments. The review process is as follows:

**No text amendments are proposed for A. of this section; hence, it is omitted from this document.*

(6 4) Approval or Recommendation.

- A. *Staff Approval.* If an application is subject to staff review and final approval, the applicant shall receive a decision to approve, approve with conditions or denial of the application. ~~Upon completing the review process staff shall render an approval within 10 working days, except where the application requires additional time or approvals before Planning Staff may render such approval.~~

**No text amendments are proposed for B. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (4) of this section; hence, it is omitted from this document. Further, due to the removal of sections prior to it, it has been renumbered from (4) to (2).*

**No text amendments are proposed for a., b., or e.-h. of this section; hence, they are omitted from this document.*

§9-1802 PUBLIC HEARING

Where an application for development approval requires a legislative or evidentiary (public) hearing, the Planning Director ~~or his/her designee~~ shall ensure that a public hearing(s) is scheduled for the application before the decision-making and/or advisory board reviewing the application. A public hearing is scheduled based on a pre-determined schedule to accommodate sufficient time for staff review and recommendation, and to meet public notification requirements in accordance with North Carolina General Statutes §160D-403, -406, & -601 and other statutes as required.

a. Public Notification & Advertising

All notices for a public hearing required by the North Carolina General Statutes shall include the information required as well as any additional information deemed necessary by the Town of Fuquay-Varina. The Planning Director ~~or his/her designee~~ shall be responsible for preparing the content of the notice.

(1) Mailed Notification.

- A. *Notification of Property Owners.* The Planning Director ~~or his/her designee~~ shall prepare a written notice for mailing based on the application of the property owner(s) or agent. Notices shall be mailed to all owners of the land subject to an application and all owners of land located within 200 feet of the boundary of the land subject to such application. For evidentiary hearings, notice shall be provided additionally to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.

- D. *Affidavit of Mailing.* The Planning Director ~~or his/her designee~~ shall be responsible for preparing an affidavit affirming that the mailed notice met the requirements for notification with an attachment of the list of individuals or entities notified.

**No text amendments are proposed for B., C., or E. of this section; hence, they are omitted from this document.*

(3) **Posted Notice.**

- A. *Posting Property.* The Planning Director ~~or his/her designee~~ shall post a waterproof sign on the property of the land subject to an application. Such postings shall be located along each public street which is adjacent to or runs through the subject property in a location that is visible from the public right-of way.
- D. *Multiple Properties.* Where land is subject to an application that is more than one (1) parcel, posting each individual parcel is not required, however the Planning Director ~~or his/her designee~~ shall consider posting a number of sufficient notices to provide reasonable notice to the public.

**No text amendments are proposed for B. or C. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2) of this section; hence, it is omitted from this document.*

b. **Public Hearing Process**

(2) **Conducting the Legislative Hearing.**

- D. *Prompt Review & Decision.* All decision-making boards and persons shall act in accordance with any time limits established in the Land Development Ordinance. Action shall be taken as promptly as reasonable and possible in consideration of the interest of the citizens of the Town and the applicant, and shall include a clear statement of approval, approval with conditions (if a conditional zoning amendment) or ~~disapproval denial~~.

**No text amendments are proposed for A.-C. or E. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) or (3) of this section; hence, they are omitted from this document.*

§9-1804 PLANNING BOARD REVIEW & RECOMMENDATION

After the submission of an application requiring Planning Board review and recommendation, Planning Staff shall review such applications and associated plans to ensure that such plans meet the standards of the Land Development Ordinance. Once the application and plans are deemed in compliance the staff will prepare a staff report and schedule a legislative hearing, if required, on the application and associated plans. At the legislative hearing, the Planning Board shall consider the application, the relevant support materials and plans, the staff report, and public comment given. After the legislative hearing has been closed, the Planning Board shall consider all materials and testimony presented and shall make a recommendation to the Town Board of Commissioners either to approve, recommend conditions (if a conditional zoning or text amendment) or ~~disapprove deny~~ the application, and forward such recommendation and application to the Town Board of Commissioners for final action.

§9-1805 TOWN BOARD OF COMMISSIONERS REVIEW & ACTION

Upon receiving a recommendation from the Planning Board, the staff report and recommendation, or at the discretion of the Town Board of Commissioners after 35 days of consideration of a proposed amendment to the Land Development Ordinance or official zoning map by the Planning Board with no written recommendation received, the Town Board of Commissioners shall conduct a legislative hearing on an application. At the legislative hearing, the Town Board of the Commissioners shall consider the application, the relevant support materials, the staff report, the Planning Board recommendation, and public comment given at the legislative hearing. Upon closing the legislative hearing, the Town Board of Commissioners, by a majority vote of the quorum present, shall approve, approve with conditions (if a conditional zoning or text amendment), or ~~disapprove deny~~ the application based on the relevant material presented.

a. **Decision Notification**

Upon a decision by the Town Board of Commissioners, notification of such decision on an application shall be provided by the Planning Director ~~or his/her designee~~ to the applicant by first class mail within 14 business days of the decision. A copy of such decision and notification shall be available to the public at the office of the Planning Department, during normal business hours.

§9-1806 APPLICATION WITHDRAWAL

A request for withdrawal of an application shall be submitted in writing to the Planning Director ~~or his/her designee~~.

§9-1807 SUCCESSIVE APPLICATIONS

When an application is ~~disapproved denied~~, a subsequent application for all or part of the same request shall only be considered in accordance with this Article.

a. **Zoning Map Amendment**

A zoning map amendment application that is ~~disapproved denied~~ shall not be considered for a period of one (1) year from the date of the ~~disapproval denial~~. The maximum number of times the same property may be considered for a zoning map amendment during a one (1) year period is two (2) times per year in accordance with the following standards:

- (3) **Insufficient Material.** The decision-making body that made the final decision on the application determines that the prior ~~disapproval denial~~ was based on mistaken facts or insufficient material, by a simple majority of the membership. The decision-making board charged with conducting the legislative hearing under such successive application shall resolve any issue concerning the similarity of a successive application or other issues that may develop related to such application.

**No text amendments are proposed for (1) or (2) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for b. or c. of this section; hence, they are omitted from this document.*

§9-1808 COMMON APPLICATION PROCEDURES

b. **Amendments**

(1) **General Standards.** In determining whether to adopt or ~~disapprove deny~~ a proposed zoning amendment to the Official Zoning Map or a text amendment to the Land Development Ordinance, the Town Board of Commissioners shall, after due consideration and recommendation by the Planning Board, generally consider one (1) or more the following factors:

(2) **Amendment to the Official Zoning Map.**

C. *Amendment Process.* Upon submittal of an application, such application shall be reviewed by the planning staff, public notifications provided, reviewed by the Planning Board and a recommendation made, after a legislative hearing, then the application shall be approved or ~~disapproved denied~~ by the Town Board of Commissioners, after a legislative hearing.

D. *Types of Zoning Map Amendments*

iv. *Form-Based Zoning District.* Form-based zoning districts are floating zoning districts that allow the opportunity for a property owner/developer to use development regulations through a master plan that provides predictable built results and a quality public realm (the area between building façades and public use space). The focus is not on the use but instead the form through architectural standards, landscaped standards, civic spaces and public standards. The criteria for a form-based district zoning plan shall be in accordance with Appendix B RMU, ~~NMU CMU & UMU EMU~~ Form-Based Districts of the Land Development Ordinance.

**No text amendments are proposed for i.-iii. or v. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A., B., or E. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (3) of this section; hence, it is omitted from this document.*

c. **Annexation**

(2) **Application Review.**

E. *Application to Town Clerk.* The petitioner shall make an application to the Planning Department, including all items on the application checklist or as required by the Planning Director ~~or their designee~~. The Planning Department, upon completing the review of the application, shall forward the voluntary annexation application to the Town Clerk. The Town Clerk shall prepare a resolution of intent for adoption by the Town Board of Commissioners ordering the Town Clerk to certify the sufficiency of the application and schedule a legislative hearing on the application. The Town Clerk shall prepare a staff report and submit a notice of the annexation application and hearing date to be published in a local newspaper at least 10 days prior to the hearing on the voluntary annexation.

**No text amendments are proposed for A.-D. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) or (3) of this section; hence, they are omitted from this document.*

g. **Clear-Cutting**

(5) **Forest Management Plans.**

- B. *Plan Review & Approval.* The Planning Director ~~or his/her designee~~ shall review the plan for compliance with **Article Q Procedures & Administration, §9-1406 Clear-Cutting & Protection of Heritage Trees Regulations, h. Exceptions, (11) Forestry Management Practices.**

**No text amendments are proposed for A. or C. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1) – (4) of this section; hence, they are omitted from this document.*

s. **Landscaping, Delay of Installation**

- (3) **Approval.** The Planning Director ~~or their designee~~ shall review the cost estimate and determine if it is justified. If it is found to be justifiable, the Town Manager or their designee shall provide written approval with or without conditions, or if the estimate is denied, shall respond in writing as to why it was denied.

**No text amendments are proposed for (1), (2), (4) or (5) of this section; hence, they are omitted from this document.*

w. **Preliminary Major Subdivision Plat**

- (2) **Preliminary Major Subdivision Submittal.**

A. *Forms.*

- iv. *Petition.* The petitioner shall make an application, including all items on the application checklist or as required by the Planning Director ~~or their designee~~.

**No text amendments are proposed for i.-iii. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for B. of this section; hence, it is omitted from this document.*

- (4) **Planning Board Review.** Upon completion of the review of the preliminary major subdivision plat, the Planning Director ~~or his/her designee~~ shall schedule the submission of the preliminary subdivision plat to the Planning Board for review and a recommendation to the Town Board of Commissioners for approval or ~~disapproval denial~~. The Planning Board shall have 35 days to review a preliminary major subdivision plat; however, the Town Board of Commissioners may proceed with review of a preliminary major subdivision plat without a recommendation by the Planning Board under the following circumstances:

- (5) **Town Board Review.**

A. ~~Disapproval Denial~~ of Preliminary Plat.

**No text amendments are proposed for B. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (1) or (3) of this section; hence, they are omitted from this document.*

u. **Master Plan**

- (1) **Plan Set.**

- B. *Open & Civic Space.* The master plan shall indicate where varying types of open space and civic space shall be located, including parks, and greenways, and shall provide for the

protection of existing environmentally sensitive areas, as defined in Article S Interpretations & Definitions where applicable. ~~Undevelopable open space~~ Environmentally sensitive areas shall be removed from the overall acreage of the project prior to the establishment of use type allocation.

**No text amendments are proposed for A. or C.-G. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2)-(4) of this section; hence, they are omitted from this document.*

z. Site Plan

(2) Submittal & Review Procedure.

B. Site Plan Submittal.

vi. Expiration of Approval.

2. **Extension of Approval.** Upon a written request submitted by the property owner/developer to the Planning Director requesting an extension of time for a valid site plan, the Planning Director ~~or their designee~~ may grant a one (1) time extension for 12 months. Such extension request must be submitted and granted prior to the end of the initial approval period, except as follows:

**No text amendments are proposed for 1 of this section; hence, it is omitted from this document.*

**No text amendments are proposed for i.-v. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for A. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (1) or (3)-(10) of this section; hence, they are omitted from this document.*

cc. Street Address Assignment

(1) Single Parcel Address Assignment.

- B. **Notice Letters.** Once a street address has been assigned, notice letters shall be prepared and submitted to the applicant requesting the street address assignment, Wake County GIS Services (911), Wake County Public School System, North Carolina State Board of Elections, ~~Duke Energy Progress~~; US Post Office, and ~~Century Link~~ other agencies as necessary.

**No text amendments are proposed for A., C., or D. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2) or (3) of this section; hence, they are omitted from this document.*

ee. Street Name Assignment

- (2) **Street Name Change.** ~~A written request for a street name change shall be submitted to the Planning Department. If such request is submitted by an individual or a group of citizens, it must identify the reason(s) for the street name change, which will be reviewed by the Town Staff to determine the disposition of such request. A request for a street name change may take several forms as follows:~~

A. **Town/Wake County Initiated.** The Town of Fuquay-Varina and/or Wake County may initiate a street name change in the interest of public safety. The Town shall coordinate such request

with the County as applicable. The Town shall be exempt from the requirements included herein to the extent permitted by state or federal law, if the change is determined to be reasonable and in the best interest of the public.

B. *Request by Member(s) of the Public.* Citizens or members of the public with standing may make a request to the Town to change a street name and such request shall follow the procedures set forth in D. below.

C. *Types of Street Name Change*

i. *Private Street.* A person or entity with standing may propose a street name change for a private street regardless of jurisdiction. A street name change for a private street shall be an administrative decision, approvable by Town staff and shall not require a resolution by a Board.

ii. *Public Street within Town Limits.* A person or entity with standing may propose a street name change for a public street within the Town Limits. Such a request shall be heard by the Town Board of Commissioners.

iii. *Public Street in the Extra-Territorial Jurisdiction or in both the Extra-Territorial Jurisdiction & the Town Limits.* A person or entity with standing may propose a street name change for a public street within the Town's Extra-Territorial Jurisdiction (ETJ) or within both the Town's ETJ and Corporate Limits. Such a request shall be heard by the Town Board of Commissioners and the Wake County Board of Commissioners.

D. *Procedure*

i. *General.* The following requirements shall be required for all street name change requests made by a member of the public regardless of the conditions of the subject street:

1. *Pre-Submittal Meeting Required.* A pre-submittal meeting with the Town staff shall be scheduled prior to submittal of the application materials. Staff shall coordinate the meeting to include all involved departments and stakeholders as necessary, based on the proposal. Based on the reasons for such change, Town staff will determine if the request is reasonable and in the best interest of the public. If Town staff finds the request unreasonable or not in the best interest of the public, the request shall not proceed.

2. *Application.* All petitioners shall make an application to Town staff.

3. *Wake County Road Name Approval.* All proposed street names shall be required to receive Wake County approval via the Road Name Application process.

4. *Affected Property Owner Consent.* Consent from the affected property owners (any property owner whose address will be changed as a result of this petition) shall be required as follows:

- I. The member of the public making the request shall gain consent of 100% of the property owners on the subject street.
 - II. If any of the affected properties are part of a homeowners' association, the homeowners' association shall be included in the list of Affected Property Owners and their consent shall be required in order to proceed.
 - III. If the required affected property owner consent is not achieved, the petition shall not proceed, and all costs incurred to that point shall be forfeited. Fees paid to the Town for the street name change petition are non-refundable.
- ii. Public Hearing. For street name changes on public streets, a resolution presented at a legislative hearing shall be required in accordance with Article Q Procedures & Administration, §9-1802 Public Hearing, as well as the following:
1. Public Streets within Town Limits. Once the required affected property owner consent is reached, Town staff will prepare a resolution for consideration by the Town Board as a public hearing. If the petition receives approval by the Town Board of Commissioners, Town staff will coordinate the change with Wake County/E911 and the affected neighbors.
 2. Public Street in the Extra-Territorial Jurisdiction or in both the Extra-Territorial Jurisdiction & the Town Limits. Once the required affected property owner consent is reached, Town staff shall prepare a resolution for consideration by the Town Board on the Consent Agenda, and if approved, shall then proceed to the Wake County Board of Commissioners for a public hearing. If the petition receives approval by the Wake County Board of Commissioners, Town staff will coordinate the change with Wake County/E911 and the affected neighbors.
- iii. Street Signs. The petitioner shall be responsible for the cost of the replacement of any and all affected street name signs to be coordinated with the Town Public Works Department. Street names shall be changed after approval is granted by the Town Board of Commissioners, the Wake County Board of Commissioners, or Town staff, as applicable, on the effective date of the change.
- iv. Changes to Affected Addresses. Upon approval by the appropriate Board(s), Town staff will coordinate the change with Wake County and issue address change letters to all affected parcels in accordance with Article Q Procedures & Administration, §9-1808 Common Application Procedures, cc. Street Address Assignment.
- A. Complaint. A citizen(s) makes a request for a street name change. Based on the reasons for such change, the Town staff will determine if the request is reasonable and in the best interest of the public. Depending on the circumstances, the Town staff may require the citizen(s) making the request to submit street names to Wake County for approval before proceeding with the process to change a street name:

~~B.— *Town Initiated.* The Town of Fuquay-Varina may from time to time take the initiative to change a street name in the interest of public safety. The Town shall initiate such a request to Wake County providing street names for approval.~~

~~C.— *Wake County/911 Initiated.* The Town of Fuquay-Varina may receive a request from Wake County to change a street name to ensure emergency service response. The Town of Fuquay-Varina will then take the lead to initiate and coordinate the process of a street name change as provided in this Subsection.~~

~~D.— *Application.* Any person may request a street name change that is located within the Town limits or extraterritorial jurisdiction per the following standards:~~

~~i.— *Planning Staff Review.* The Planning Department shall review the request for a street name change to determine if such request is necessary for consistency reasons or to support the public health, safety, and welfare of the Town's citizens.~~

~~ii.— *Notification.* The Planning Department must notify property owners adjacent to and potentially affected by a request to change a street name.~~

~~iii.— *Street Name Approval.* The petitioner shall submit the street name change to Wake County GIS for approval of the street name. The Planning Department shall notify and coordinate with any adjacent jurisdictions if such street name change will affect the street in another jurisdiction, if applicable.~~

~~iv.— *Town Board Action:*~~

~~1.— For a street entirely within the Town's Corporate Limits: Once a street name has been approved by Wake County, the Planning Department shall prepare the street name change request for consideration by the Town Board of Commissioners per the procedures of a legislative hearing.~~

~~2.— For a street that is partially or entirely in the extraterritorial jurisdiction: Once a street name has been approved by Wake County, the Planning Department shall prepare the street name change request for consideration by the Town Board of Commissioners on the consent agenda. The request shall then be heard by the Wake County Board of Commissioners as a legislative hearing.~~

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

kk. **Variance**

(3) **Variance Procedure.**

F. *Issuance & Recordation of Variance.* If the variance application is approved by the Board of Adjustment, the Planning Director ~~or his/her designee~~ shall issue the applicant documentation of approval and any conditions of such approval. The Planning Department shall prepare an

“Order” identifying the action of the Board of Adjustment and any conditions that will be signed by the chair of the Board of Adjustment and the applicant. The “Order” shall be recorded with the Wake County Registry of Deeds by the Planning Department.

**No text amendments are proposed for A.-E. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (1), (2), or (4)-(6) of this section; hence, they are omitted from this document.*

mm. Zoning Compliance Letter

(2) **Procedure.**

- B. *Review.* The Planning Director ~~or his/her designee~~ shall review the request in accordance with the provisions of the Land Development Ordinance.
- C. *Approval.* If the Planning Director ~~or his/her designee~~ finds that the written request complies with the standards of the Land Development Ordinance, a letter of zoning compliance shall be prepared and provided to the applicant.
- D. *Disapproval Denial.* If the Planning Director ~~or his/her designee~~ recommends ~~disapproval denial~~ of the request, the applicant shall have 30 days from the date of ~~disapproval denial~~ to submit a corrected application. If a revised application is received, the Planning Director ~~or his/her designee~~ shall consider the correction and approve or deny the request. If the request is not resubmitted within 30 days, the request shall be considered withdrawn.

**No text amendments are proposed for A. of this section; hence, it is omitted from this document.*

**No text amendments are proposed for (1) or (3) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a., d.-f., h. - r., t., v., x., y., aa., bb., dd., ff.-jj., or ll. of this section; hence, they are omitted from this document.*

Section 15. Article R VIOLATIONS, PENALTIES & LEGAL PROVISIONS is amended as follows:

§9-1856 REMEDIES & PENALTIES

b. **Disapproval Denial of Subsequent Applications**

As long as a violation of the Land Development Ordinance continues and remains unabated, the Town of Fuquay-Varina may withhold and/or ~~disapprove deny~~ a request for a permit, development approval or other authorization provided by the Land Development Ordinance for the land on which the violation continues to occur.

**No text amendments are proposed for a., or c.-e. of this section; hence, they are omitted from this document.*

Section 16. Article S INTERPRETATIONS & DEFINITIONS is amended as follows:

§9-1900 INTERPRETATIONS

c. **Authority for Interpretation**

The Planning Director ~~or their designee~~ is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this Section and applicable Ordinance standards and

requirements. Interpretations of the Planning Director ~~or their designee~~ may be appealed to the Town Manager, and thereafter to the Board of Adjustment if necessary.

**No text amendments are proposed for a., b., or d.-u. of this section; hence, they are omitted from this document.*

S9-1901 GENERAL DEFINITIONS

AIR RIGHTS. ~~The term defining a conveyance of a fee simple title to a three-dimensional space located at a precisely defined location. This location may be in the air, underground, on the ground, or partially above and partially below the ground.~~

CONVENIENCE STORE. ~~An establishment engaged in offering for retail sale a limited line of groceries, beverages, household items and other frequently or reoccurring needed items for household use intended for the convenience of surrounding neighborhoods, which includes gasoline pumps as a principal or accessory use. This term may include moving truck, van and trailer rentals as an ancillary use to the principal use. A convenience store may or may not include gas pumps.~~

CORNER STORE. ~~The term defining a single small-scale retail business, stand-alone or part of a mixed used building, typically supplying a limited selection of food and other services and sundries.~~

ENVIRONMENTALLY SENSITIVE AREAS. ~~Streams, wetlands, and other water bodies regulated by the North Carolina Division of Water Resources of the U.S. Army Corps of Engineers and all Special Flood Hazard Areas and Future Conditions Flood Hazard Areas, floodplains determined by a flood study, and Buffers as defined by this section.~~

FLOOD STUDY. ~~The term defining a study of the potential changes in the base flood elevation caused by the obstruction, encroachment, alteration or relocation of: (1) a FEMA mapped floodway; (2) a non-encroachment area; (3) a FEMA mapped area of special flood hazard that has not previously been studied in detail; (4) flood hazard soils locations where the associated water course drains five (5) or more acres but less than 100 acre. areas with a total drainage area of more than 5 acres but no more than 25 acres; (5) flood hazard soils areas with a total drainage area of more than 25 acres, but less than 100 acres; and/or (6) flood hazard soils area with a total drainage area of 100 acres or more.~~

GAS STATION. ~~For purposes of the Land Development Ordinance, a gas station shall be classified as convenience store or kiosk. A retail establishment with the primary purpose of selling fuel for motor vehicles. This use may also sell retail items and/or food.~~

RETAIL SALES & SERVICE. ~~An establishment providing general retail sales or rental of goods but excluding those uses specifically classified as another use type. This term includes business machine sales; the sale of electronic equipment such as computers, TVs, audiovisual equipment and cameras; antiques, sporting goods, pharmacy, pets, shoes, interior design, jewelry, rental and accessory repair, clothing, department stores, theaters, discount stores, grocery store, flooring and carpet, garden supply, office supply, optical, bicycles, toys, music, electronic games, printing and copying, newsstand, gift shop, variety stores, tailor shop, florist, art gallery, convenience/corner store, barber and/or beauty shop. Repair services for bicycles, jewelry, clocks, lamps, small appliances and similar items are also permitted as an ancillary service by the establishment that is primarily engaged in the retail sale of these goods or commodity. This term does not include restaurants, sexually oriented businesses, or night club.~~

ZONING COMPLIANCE LETTER. The term defining a written approval by the Planning Director **or their designee** that a lot, property, building, structure or use is in compliance with the zoning district where the lot, property, building, structure or use is located. This compliance letter shall not constitute the ability to immediately occupy or development the lot, property, building, structure or initiate a use without approval of required plans and/or issuance of a building permit where applicable. Also known as letter of zoning compliance or zoning verification letter.

Section 17. Appendix A DC-1 & DC-2 FORM-BASED DISTRICTS is amended as follows:

§9-2001 INTENT

z. Historic/Landmark Properties/Buildings

Properties designated as a portion of a Historic District or as a Landmark by the National Register of Historic Places or the Wake County Historic Preservation Commission, and subsequently adopted by the Town Board, are exempt from the requirements, stated in §9-2002 of this Appendix when in conflict with the Secretary of the Interior’s Standards for Rehabilitation. Proposed changes shall not conflict with the historic character or the historic designation of the property and must be consistent with the Secretary of the Interior’s Standards for Rehabilitation. All proposed changes to building facades and/or the exterior site for such properties shall require the approval of the Planning Director **or their designee**.

**No text amendments are proposed for a.-y., aa., or bb. of this section; hence, they are omitted from this document.*

§9-2002 DOWNTOWN BUILDING REQUIREMENTS

g. Block Standards

(2) Blocks adjacent to environmentally sensitive **areas as defined in Article S Interpretations & Definitions**, or historic land or preexisting incomplete blocks may be exempt from block length and block perimeter requirements by administrative adjustment, as per the requirements of **Article Q Procedures & Administration**.

**No text amendments are proposed for (1) of this section; hence, it is omitted from this document.*

**No text amendments are proposed for a.-f. or h.-bb. of this section; hence, they are omitted from this document.*

Section 18. Appendix B RMU, CMU & EMU FORM-BASED DISTRICTS is amended as follows:

§9-3007 FORM-BASED DISTRICT GENERAL DEVELOPMENT STANDARDS

f. A proposed zoning lot for a single-family residential dwelling use within a Form-Based District shall not be permitted to contain any environmentally sensitive areas as defined in Article S Interpretations & Definitions. For purposes of this section, environmentally sensitive areas shall mean undevelopable areas.

**No text amendments are proposed for a.-e. of this section; hence, they are omitted from this document.*

§9-3011 STREET & BLOCK STANDARDS

- e. Blocks adjacent environmentally sensitive areas as defined in Article S Interpretations & Definitions, or historic land or preexisting incomplete blocks may be exempt from block length and block perimeter requirements by administrative adjustment, as per the requirements provided elsewhere in the Land Development Ordinance.

**No text amendments are proposed for a.-e. of this section; hence, they are omitted from this document.*

S9-3013 LOT STANDARDS

- e. A proposed zoning lot for a single-family residential dwelling use within a Form-Based District shall not be permitted to contain any environmentally sensitive areas as defined in Article S Interpretations & Definitions.

**No text amendments are proposed for a.-d. of this section; hence, they are omitted from this document.*

S9-3016 BUILDING PLACEMENT

- c. Facades shall be built parallel to the principal frontage line or to the tangent of a curved principal frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage buildout in the Tables RMU Standards, CMU Standards, and EMU Standards. For uses developed through Site Plan approval where multiple principal buildings are allowed on one parcel, all principal buildings must be located within the maximum building setbacks, contributing to the minimum percentage façade buildout at setback or between the secondary frontage minimum and maximum setbacks.
- e. Setbacks for principal buildings (i.e. buildings that contain principal uses) shall be as shown in said tables. Setbacks may be adjusted by up to 10% by an administrative adjustment to accommodate for specific site conditions. The applicant must provide written request, including reasoning for each of the findings required for administrative adjustment approval of Article Q Procedures & Administration of the Land Development Ordinance.

- f. Alternatives to the required percent façade buildout at maximum setback (where applicable) are as follows:

- (1) Landscaping seat walls may count towards up to 25% of the required façade buildout requirement with the following standards:

- A. Walls shall meet frontage fence requirements for the applicable district with the following exceptions/limitations:

- i. Walls shall incorporate seating areas that shall be a minimum of 18” in height.

- ii. Wall columns/piers shall be a maximum of 60” in height.

- iii. Walls shall be constructed of masonry, stone, and/or decorative metal.

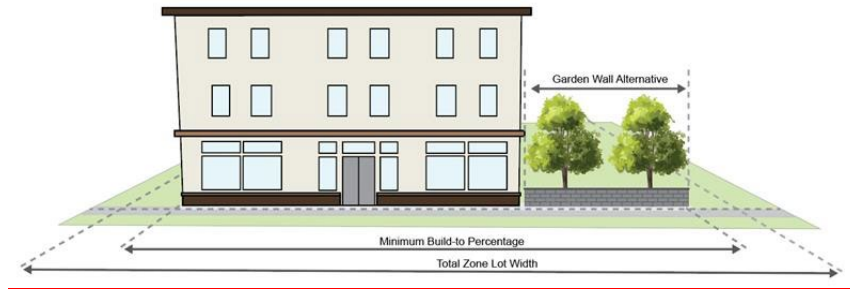


Figure – Landscaping Seat Walls

(2) Pergolas & Trellises. Pergolas and trellises may count towards up to 25% of the required façade buildout requirement with the following standards:

A. Structure shall be no less than five (5) feet deep as measured perpendicular to the primary or secondary street lot line;

B. Structure shall not be erected over a driveway;

C. Structure shall maintain a minimum eight (8) inch clearance over any sidewalks or pedestrian walkways;

D. Structure shall be made of metal, masonry, treated wood, or other materials that are durable in an exterior urban environment.

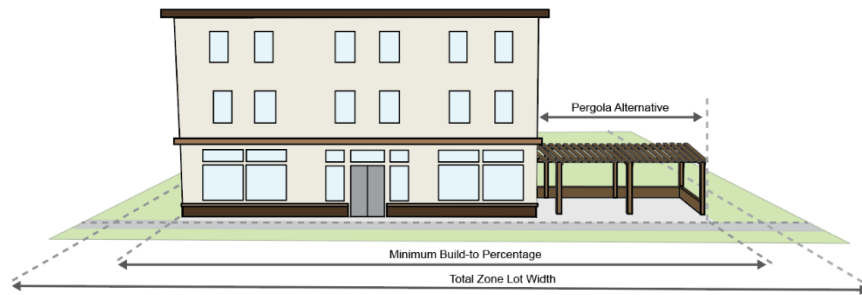


Figure – Pergolas & Trellises

(3) Plazas and Outdoor Dining Areas. Plazas and outdoor dining areas may count towards up to 100% of the required façade buildout requirement with the following standards:

A. The plaza or outdoor dining area shall be within two (2) feet of grade with the adjacent public sidewalk;

B. The building entry shall be clearly visible through the plaza or dining area.

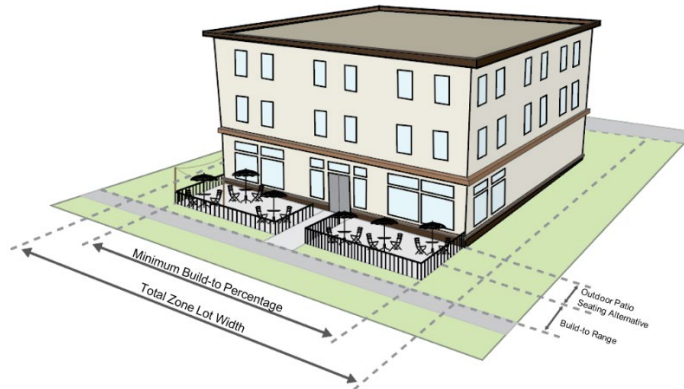


Figure – Plazas and Outdoor Dining Areas

**No text amendments are proposed for a., b., or d. of this section; hence, they are omitted from this document.*

S9-3022 ARCHITECTURAL STANDARDS

a. Building Materials, minimum requirements

- (1) All building facades shall consist of brick (minimum 50% of a single wall area after the area of Architectural Treatment has been deducted) and a minimum of one (1) additional material of stone, architectural concrete, EIFS (maximum of 20% of a single wall area), architectural metal panels, metal accent, wood or fiber cement siding (maximum 20% of a single wall area). Corrugated metal, and vinyl siding are prohibited; metal and vinyl may be incorporated for doors, windows and architectural details.

**No text amendments are proposed for b. of this section; hence, it is omitted from this document.*

Section 19. Appendix C TOWN CENTER RESIDENTIAL DISTRICT is amended as follows:

S9-4003 GENERAL STANDARDS

See Attachment E – Table – TCR Zoning District Dimensions & Standards

c Nonresidential

- (1) **Permitted Uses.**

A. Retail Uses.

~~ii. Convenience Store. A convenience store shall not include gas pumps.~~

**No text amendments are proposed for i. or iii.-v. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for B. or C. of this section; hence, they are omitted from this document.*

**No text amendments are proposed for (2)-(7) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a. or b. of this section; hence, they are omitted from this document.*

Section 20. Appendix D PLANNED UNIT DEVELOPMENT DISTRICT is amended as follows:

S9-5001 INTENT

e. **Preservation of Natural Features**

Incorporate natural features and environmentally sensitive areas as defined in Article S Interpretations & Definitions, as part of the design of the development. Protect these areas for their natural beauty and as public space for the enjoyment of the residents.

**No text amendments are proposed for a.- d. of this section; hence, they are omitted from this document.*

S9-5002 GENERAL REGULATIONS

a. **Master Plan**

- (2) **Open Space.** The master plan shall indicate where varying types of open space are located, including parks (private or proposed dedication to the Town), greenways, and protected environmentally sensitive areas as defined in Article S Interpretations & Definitions.

**No text amendments are proposed for b.- h. of this section; hence, they are omitted from this document.*

S9-5003 MINIMUM STANDARDS

d. **Dimensions & Standards**

See Attachment F – Table – PUD Zoning District Dimensions & Standards

e. **Open Space Requirements**

- (2) **Primary Open Space.** Primary areas represent ~~sensitive environmental~~ environmentally sensitive areas as defined in Article S Interpretations & Definitions and/or significant cultural resources considered unbuildable in a legal or practical sense. Therefore, primary areas shall be classified as conservation easements and it is mandatory that 100% of these areas be preserved as primary open space required to meet the dedicated open space requirement; except as approved by the Town and/or other governmental agency related to grading, filling, retaining walls, permitting or other approved construction that mitigates a primary open space area. The minimum dedicated open space percentage shall not supersede State or Federal regulations and standards for the protection of ~~wetlands, floodplains, riparian buffers or other protected environmental features.~~ Primary open space areas include: environmentally sensitive areas or other protected environmental or historic/archaeological features.

~~A. **Wetlands.** Wetlands, including but are not limited to, streams, creeks, ponds, reservoirs, and adjoining land areas, and shall be determined by a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect, land planner, or soil scientist using criteria regulated by the US Army Corps of Engineers.~~

- ~~i. Flood Prone Areas. Floodplains (100-year and alluvial soils) determined by one (1) or more of the following:~~
 - ~~ii. Soil Survey. The Wake County, North Carolina Soil Survey prepared by the USDA Soil Conservation Service or as determined by a registered soil scientist in compliance with Town Policy.~~
 - ~~iii. FEMA. The Flood Insurance Study: Wake County, NC prepared by the Federal Emergency Management Agency (FEMA).~~
 - ~~iv. Flood Study. Flood studies prepared by a registered engineer and approved by the Town or FEMA, where FEMA has not mapped a floodplain for a stream or creek.~~
- ~~B. Steep Slopes. Natural Steep Slopes defined as greater than 25% and determined by a site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey, the US Geological Survey, or Wake County topographic maps:~~
- ~~i. Stream Buffer. Stream Buffers (riparian buffers) and natural areas determined by one (1) of the following:~~
 - ~~1. Professional Analysis. An independent site study conducted by a botanist, biologist and/or soil scientist.~~
 - ~~2. Riparian Buffers. Areas designated as a Neuse River Basin riparian buffers (blue line streams on USGS maps or Wake County soil/topographic maps designating perennial streams).~~

**No text amendments are proposed for C. of this section; hence, it is omitted from this document. Additionally, C. has been relettered to A.*

**No text amendments are proposed for (1), or (3)-(5) of this section; hence, they are omitted from this document.*

**No text amendments are proposed for a.-c. of this section; hence, they are omitted from this document.*

Section 21. Appendix E CERTIFICATIONS is amended as follows:

§9-6003 MAJOR SUBDIVISION PLAT CERTIFICATIONS

~~Major Subdivision – Septic Tank and/or Well
Certification:~~

~~I hereby certify that the water supply and/or sewage disposal system installed, or proposed for installation in the subdivision entitled _____ fully meets the requirements of the North Carolina State Health Department and Wake County Environmental Health Regulations, and is hereby approved as identified on this plat:~~

~~_____, 20_____
_____~~

Ordinance No. M-25-09

September 2, 2025

Page 48 of 49

~~County Health Officer or Authorized
Representative~~

This Ordinance of the Town of Fuquay-Varina Board of Commissioners is hereby adopted this 2nd day of September, in the year 2025 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

J. Blake Massengill, Mayor

ATTEST

(TOWN SEAL)



Teresa Wilder, Town Clerk

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Fuquay-Varina does hereby certify: That the above/attached ordinance is a true and correct copy of the ordinance authorizing an amendment to Part 9: Land Development Ordinance of the Town Code, as regularly adopted at a legally convened meeting of the Town Board of Commissioners duly held on the 2nd day of September 2025; and, further, that such ordinance has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of September 2025.

(Signature of Recording Officer)

Town Clerk

(Title of Recording Officer)

M-25-09 Attachment A – September 2, 2025 - §9-1254 Table – Permitted Use Table

ZONING DISTRICTS		RESIDENTIAL DISTRICTS						HYBRID DISTRICTS		FORM-BASED DISTRICTS (Appendices A & B)					NONRESIDENTIAL DISTRICTS					USE STANDARDS	
Use Classification	Specific Use	RC	RA	RLD	RMD	RHD		TCR	PUD	DC1	DC2	RMU	CMU	EMU	O&I	NC	CC	GC	RLI	HI	
Residential Uses																					
Residential Development	Single-Family Home	P	P	P	P			P	P			P*	P*								
	Manufactured Home Subdivision		S																		9-1255, I. (1)
	Multi-Family & Townhouse Development					P		P	P	P	P	P	P	P*							9-1255, I. (2)
	Row House				P	P		P	P			P	P	P							9-1255, I. (3)
	Zero Lot Line Development				P			P	P			P*									9-1255, I. (4)
	Manufactured Home		P																		9-1255, I. (5)
	Manufactured Home Park		S																		9-1255, I. (6)
	Cottage Home Development							P	P												9-4003, b. 8; 9-5003, d. (2)
Ancillary Residential	Accessory Dwelling Units		P	P	P	P		P	P			P	P	P							9-1255, m. (1)
	Live/Work Unit							P	P	P	P	P	P	P	P*	P	P	P			9-1255, m. (2)
	Temporary Recreational Vehicle	P*	P*	P*	P*																9-1255, m. (3)
Group Living	Boarding/Rooming House														S						9-1255, k. (1)
	Congregate Living Facilities		S	S	S	S			P												9-1255, k. (2)
	Family Care Home		P	P	P	P		P	P			P	P								9-1255, k. (3)
	Group Home		S	S																	9-1255, k. (4)
Public & Civic Uses																					
Assembly	Amphitheater														P						9-1255, c. (1)
	Banquet Hall/ Cultural Adaptive Use		S*	S*						P*	P*	P*	P*	P*	P						9-1255, c. (2)
	Auditorium														P						9-1255, c. (3)
	Conference Center														P	P					9-1255, c. (4)
	Stadium/Arena														P*						9-1255, c. (5)
	Place of Worship		S	S	S	S		S	P	P	S				P	P	P	P			9-1255, c. (6)
	Place of Worship, Temporary		S	S	S	S		S	P	P*	S				S	S	P	P			9-1255, c. (6)
	<u>Funeral Home</u>													<u>P</u>							<u>9-1255, c. (7)</u>
Community Service	Community Services, except as listed below									P	P	P	P	P	P	P	P	P			9-1255, e.
	Civic Club/ Lodge		S	S				S		P	P	P	P	P	P	P	P				9-1255, e. (1)
Day Cares	Day Care, Accessory							P	P	P	P				P	P	P	P	P		9-1255, g. (1)
	Day Care, Commercial							S	P	S	P	P	P	P	P	P	P	P			9-1255, g. (2)

Zoning Districts: Resource Conservation (RC); Residential Agriculture (RA); Residential Low Density (RLD); Residential Medium Density (RMD); Residential High Density (RHD); Town Center Residential (TCR); Planned Unit Development (PUD); Downtown Center-1 (DC-1); Downtown Center-2 (DC-2); Residential Mixed-Use (RMU); Commercial Mixed-Use (CMU); Employment Mixed-Use (EMU); Office & Institutional (O&I); Neighborhood Commercial (NC); Corridor Commercial (CC); General Commercial (GC); Research Light Industrial (RLI); & Heavy Industrial (HI).

M-25-09 Attachment A – September 2, 2025 - §9-1254 Table – Permitted Use Table

ZONING DISTRICTS		RESIDENTIAL DSITRICTS					HYBRID DISTRICTS		FORM-BASED DISTRICTS (Appendices A & B)					NONRESIDENTIAL DISTRICTS					USE STANDARDS	
Use Classification	Specific Use	R C	R A	R L D	R M D	R H D	T C R	P U D	D C 1	D C 2	R M U	C M U	E M U	O & I	N C	C C	G C	R L I	H I	
Public & Civic Uses Continued																				
Day Cares, cont.	Day Care, In-Home		P/S	P/S	P/S	P/S	P/S	P/S		P/S	P/S	P/S								9-1255, g. (3)
Educational Facilities	Educational Facilities, except as listed below													P						9-1255, h.
	School, Trade/Vocational												P	P	P	P	P	P*	P*	9-1255, h. (1)
Financial Institutions	Bank/ Credit Union						P	P	P	P	P	P	P	P	P	P	P			9-1255, i.
Government Facilities & Services	Government Services/ Agency	P	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, e. (2)
	Utility Buildings/Use	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	9-1255, z. (2)
Medical Offices & Facilities	Medical Offices, except as listed below						P	P	P	P	P	P	P	P	P	P	P	P		9-1255, o.
	Ambulatory Healthcare													P	P	P	P			9-1255, o. (1)
	Hospital/ Medical Center												P*	P*	P	P	P			9-1255, o. (2)
	Assisted Living							P				P		P	P					9-1255, o. (3)
Parks & Open Space	Parks/Facilities, Open & Civic Space, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P*	9-1255, r.
	Cemetery/ Memorial Park													P						9-1255, r. (1)
	Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, r. (2)
	Youth/ Day Camp	P	P											P						9-1255, r. (3)
Passenger & Service Uses	Airport/Landing Strip		S																P	9-1255, s. (1)
	Bus Stop			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, s. (2)
	Park & Ride						P							P	P	P	P	P	P	9-1255, s. (3)
	Parking Deck				P*	P*		P	P	P		P	P*	P	P	P	P	P	P	9-1255, s. (4)
	Parking Lot							P	P											9-1255, s. (5)
	Transit Terminal Uses						P	P	P							P	P	P*	P*	9-1255, s. (6)
	Vehicle/ Charter Services															P	P	P		9-1255, s. (7)
Utilities	Incinerator																		S	9-1255, z. (1)
	Private Utility Buildings/Use		S	S	S	S	S	P	S	S	S	S	S	P	P	P	P	P	P	9-1255, z. (2)
	Recycling Collection Station													P	P	P	P	P	P	9-1255, p. (1)
	Recycling Plant																		S	9-1255, z. (3)
	Recycling Transfer Center														P	P	P	S	S	9-1255, z. (4)
	Solar Energy Panels		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, p. (1)

Zoning Districts: Resource Conservation (RC); Residential Agriculture (RA); Residential Low Density (RLD); Residential Medium Density (RMD); Residential High Density (RHD); Town Center Residential (TCR); Planned Unit Development (PUD); Downtown Center-1 (DC-1); Downtown Center-2 (DC-2); Residential Mixed-Use (RMU); Commercial Mixed-Use (CMU); Employment Mixed-Use (EMU); Office & Institutional (O&I); Neighborhood Commercial (NC); Corridor Commercial (CC); General Commercial (GC); Research Light Industrial (RLI); & Heavy Industrial (HI).

M-25-09 Attachment A – September 2, 2025 - §9-1254 Table – Permitted Use Table

ZONING DISTRICTS		RESIDENTIAL DISTRICTS					HYBRID DISTRICTS		FORM-BASED DISTRICTS (Appendices A & B)					NONRESIDENTIAL DISTRICTS					USE STANDARDS		
Use Classification	Specific Use	R C	R A	R L D	R M D	R H D	T C R	P U D	D C 1	D C 2	R M U	C M U	E M U	O & I	N C	C C	G C	R L I	H I		
Public & Civic Uses Continued																					
Utilities, cont.	Solar Energy System		S															S	S	9-1255, z. (5)	
	Substation, Electrical		S															S	S	9-1255, z. (6)	
	Water/Wastewater Treatment Facility, Private		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	9-1255, z. (7)	
	Wind Energy System		S															S	S	9-1255, z. (8)	
Nonresidential Uses																					
Adult Uses	Night Club/Dance Club								P	P								P	P	9-1255, a. (1)	
	Electronic Sweepstakes Gaming Operation																	S		9-1255, a. (2)	
	Sexually Oriented Business																	S		9-1255, a. (3)	
	Tattoo & Body Piercing									P			P		P	P	P			9-1255, a. (4)	
	Beach Bingo																	P		9-1255, a. (5)	
	Tobacco and/or CBD Retailer																	P		9-1255, a. (6)	
Communication	Broadcasting Station/ Radio, Television, or Filming Studio								P*	P*								P	P	9-1255, d. (1)	
	Small Wireless Facilities	P	P	P	P	P	P	P	P	P	P*	P*	P*	P	P	P	P	P	P	P	9-1255, d. (2)
	Telecommunication Facilities/ Services		S	S	S	S		S	S	S				S/ P*	P*	P*	P*	P*	P*	9-1255, d. (3)	
Food & Beverage	Restaurants/ Food Service & Sales except as listed below						P	P	P	P	P*	P	P*	P	P	P	P			9-1255, j. (1)	
	Food Truck		P*	P*	P*	P*	P*	P*	P	P	P*	P*	P*	P	P	P	P	P	P	9-1255, j. (2)	
	Commercial Kitchen																P	P*		9-1255, j. (3)	
	Food Truck Campus							P*	P*	P*		P*	P			P	P			9-1255, j. (4)	
Office, General	Office, Business/ Professional					P	P	P	P	P*	P*	P*	P	P	P	P				9-1255, q.	
Public Lodging	Bed & Breakfast/ Inn		S	S	S	S	P*	P	P*	P*	P*	P*								9-1255, u. (1)	
	Hotel/ Motel/ Extended Stay Facility							P*	P*	P*	P	P*	P	P*	P*	P*	P*			9-1255, u. (2)	
Recreation, Indoor	Indoor Recreation, except as listed below							P	P	P	P	P	P	P	P	P				9-1255, v.	
	Game Room/Arcade							P	P	P	P	P			P	P	P			9-1255, v. (1)	
	Shooting Range, Indoor																		S	9-1255, v. (2)	
Recreation, Outdoor	Outdoor Recreation, except as listed below							P		P	P*	P	P		P	P	P			9-1255, w.	
	Campground	S	S																	9-1255, w. (1)	

Zoning Districts: Resource Conservation (RC); Residential Agriculture (RA); Residential Low Density (RLD); Residential Medium Density (RMD); Residential High Density (RHD); Town Center Residential (TCR); Planned Unit Development (PUD); Downtown Center-1 (DC-1); Downtown Center-2 (DC-2); Residential Mixed-Use (RMU); Commercial Mixed-Use (CMU); Employment Mixed-Use (EMU); Office & Institutional (O&I); Neighborhood Commercial (NC); Corridor Commercial (CC); General Commercial (GC); Research Light Industrial (RLI); & Heavy Industrial (HI).

M-25-09 Attachment A – September 2, 2025 - §9-1254 Table – Permitted Use Table

ZONING DISTRICTS		RESIDENTIAL DISTRICTS					HYBRID DISTRICTS		FORM-BASED DISTRICTS (Appendices A & B)					NONRESIDENTIAL DISTRICTS					USE STANDARDS		
Use Classification	Specific Use	R C	R A	R L D	R M D	R H D	T C R	P U D	D C 1	D C 2	R M U	C M U	E M U	O & I	N C	C C	G C	R L I	H I		
Nonresidential Uses, continued																					
Recreation, Outdoor, cont.	Drive-In Theater															S	S	S		9-1255, w. (2)	
	Golf Course		S	S	S	S									P	P	P			9-1255, w. (3)	
	Recreation Facility, Private		P	P	P	P	P	P			P	P	P		P	P	P			9-1255, w. (4)	
	Shooting Range, Outdoor																		S		9-1255, w. (5)
Retail Sales & Service	Retail Sales & Service, except as listed below							P	P	P	P	P	P		P	P	P			9-1255, y.	
	Accessory Buildings, Sale																P			9-1255, y. (1)	
	Brew Pub/Bar							P	P	P	P	P	P		P	P	P			9-1255, y. (2)	
	Convenience Store							P*	P			P*	P*	P		P	P	P		9-1255, y. (3) & 9-4003, c. (1)	
	Dry Cleaning / Laundromat							P			P	P	P		P	P	P			9-1255, y. (4)	
	Farmer's Market		P						P			P	P		P	P	P			9-1255, p. (11)	
	Flea Market																		S		9-1255, y. (5)
	Funeral Home		S	S	S	S						P	P	P	P*	P*	P*			9-1255, y. (6)	
	Gas Station																P	P			9-1255, y. (3)
	Health Club / Gym					P			P	P	P	P	P	P	P	P	P	P	P		9-1255, y. (7)
	Pawnshop																P	P			9-1255, y. (8)
	Seasonal Outdoor Sales / Display								P	P	P			P		P	P	P			9-1255, p. (1)
	Shopping Center								P	P	P				P*	P*	P*				9-1255, y. (10)
	Specialized Repair Service							P	P	P	P		P	P		P	P	P			9-1255, y. (11)
Small Engine Repair															P	P	P			9-1255, y. (12)	
Vehicle Parts & Accessories, Retail										P					P	P	P			9-1255, y. (14)	
Vehicle, Equipment, Manufactured Home Sales & Service	Vehicle Services, except as listed below															S	S			9-1255, aa.	
	Automotive Express Service														P	P	P			9-1255, aa. (1)	
	Automotive Paint/ Body Shop																S	P	P	9-1255, aa. (2)	
	Automotive Repair															P	P	P	P	9-1255, aa. (3)	
	Car Wash/Auto Detailing														P	P	P			9-1255, aa. (4)	
	Car Wash, Temporary							P	P	P		P	P	P	P	P	P	P		9-1255, p. (11)	
	Manufactured Home Sales & Service																P			9-1255, aa. (5)	
	Towing Service & Storage																		P	P	9-1255, aa. (6)
	Vehicle, Boat, Equipment Sales &/or Rental																P*	P*			9-1255, aa. (7)

Zoning Districts: Resource Conservation (RC); Residential Agriculture (RA); Residential Low Density (RLD); Residential Medium Density (RMD); Residential High Density (RHD); Town Center Residential (TCR); Planned Unit Development (PUD); Downtown Center-1 (DC-1); Downtown Center-2 (DC-2); Residential Mixed-Use (RMU); Commercial Mixed-Use (CMU); Employment Mixed-Use (EMU); Office & Institutional (O&I); Neighborhood Commercial (NC); Corridor Commercial (CC); General Commercial (GC); Research Light Industrial (RLI); & Heavy Industrial (HI).

M-25-09 Attachment A – September 2, 2025 - §9-1254 Table – Permitted Use Table

ZONING DISTRICTS		RESIDENTIAL DISTRICTS					HYBRID DISTRICTS		FORM-BASED DISTRICTS (Appendices A & B)					NONRESIDENTIAL DISTRICTS					USE STANDARDS		
Use Classification	Specific Use	R C	R A	R L D	R M D	R H D	T C R	P U D	D C 1	D C 2	R M U	C M U	E M U	O & I	N C	C C	G C	R L I		H I	
Industrial Uses & Services																					
Vehicle, Equipment, Manufactured Home Sales & Service, cont.	Tire Sales & Service																P	P		9-1255, aa. (8)	
Construction Services	General/Special Trade Contractor & Storage																P*	P*	P*	9-1255, f. (1)	
Manufacturing, Processing & Storage	Batching Plant, Asphalt & Concrete																		S	9-1255, n. (2)	
	Brewery & Distillery										P	P	P				P	P	P	9-1255, n. (3)	
	Fertilizer Manufacturing & Storage																		S	9-1255, n. (4)	
	Lumber Production &/or Treatment																		S	9-1255, n. (5)	
	Machine/ Welding Shop																		P	9-1255, n. (6)	
	Manufacturing																		P	P	9-1255, n. (7)
	Manufacturing, Artisan Products									P	P	P	P	P		P	P		P	P	9-1255, n. (8)
	Wood Products, Chipping, Mulching (Commercial)																			S	9-1255, n. (9)
	Woodworking/ Cabinet Making																		P*	P*	9-1255, n. (10)
Mining, Quarry & Processing																			S	9-1255, n. (11)	
Research & Development	Research & Development												P*				P*	P	P	9-1255, x. (1)	
Warehouse & Distribution	Warehouse & Distribution, except as listed below																		P	P	9-1255, bb.
	Storage Facility																	P*	P*	P*	9-1255, bb. (1)
	Warehouse & Distribution Center																		P	P	9-1255, bb. (2)
Wholesale Trade	Wholesale Trades, except as listed below																		P	P	9-1255, cc.
	Building, Furniture, Appliances & Electronic Supply																		P	P	9-1255, cc. (1)
	Petroleum, Gas & Chemical Product Storage & Wholesale																			S	9-1255, cc. (2)
Miscellaneous Uses	Accessory Uses, except as otherwise listed		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, p. (1)
	Business Incubator								P	P	P	P	P	P	P	P	P	P			9-1255, p. (2)

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M-25-09 Attachment A – September 2, 2025 - §9-1254 Table – Permitted Use Table

ZONING DISTRICTS		RESIDENTIAL DISTRICTS					HYBRID DISTRICTS	FORM-BASED DISTRICTS (Appendices A & B)					NONRESIDENTIAL DISTRICTS					USE STANDARDS		
Use Classification	Specific Use	R C	R A	R L D	R M D	R H D	T C R	P U D	D C 1	D C 2	R M U	C M U	E M U	O & I	N C	C C	G C	R L I	H I	
Other Uses																				
Miscellaneous Uses, cont.	Flex Space											P				P*	P*		9-1255, p. (3)	
	Home Occupation		P	P	P	P	P	P	P	P	P	P	P*	P*	P*	P*			9-1255, p. (4)	
	Junk/ Salvage Yard																	S	9-1255 p. (5)	
	Landfills																	S	9-1255, p. (6)	
	Temporary Mobile Units		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, p. (8)	
	Portable Toilets, Service & Storage																	P	9-1255, p. (9)	
	Vending Machines						P	P			P	P	P	P	P	P	P	P	9-1255, p. (10)	
	Vertical Mixed-Use							P	P	P	P	P	P				P		Appendices A, B & D	
Yard Sale		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, p. (12)	
Agriculture & Animal Related Uses	Agricultural Uses, except as listed below	P	P	P															9-1255, b.	
	Residential Bees/Beehives	P	P	P	P			P											9-1255, b. (1)	
	Residential Chickens/Chicken Coop	P	P	P	P			P											9-1255, b. (2)	
	Agricultural Animals	P	P	P															9-1255, b. (3)	
	Animal Hospital/ Veterinary Clinic							P				P*	P	P	P	P	P	P	9-1255, b. (4)	
	Bona Fide Farm	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9-1255, b. (5)	
	Greenhouse/ Nursery		S												P*	P*	P*	P*	9-1255, b. (6)	
	Kennel, Commercial Boarding																	P*	9-1255, b. (7)	
	Kennel, Private Use/ Domestic Animals		P	P	P														9-1255, b. (8)	
	Pet Service							P	P*	P*	P	P	P		P	P	P		9-1255, y. (9)	
	Stable	P	P	P															9-1255, b. (9)	
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P	P						9-1255, b. (10)		

Zoning Districts: Resource Conservation (RC); Residential Agriculture (RA); Residential Low Density (RLD); Residential Medium Density (RMD); Residential High Density (RHD); Town Center Residential (TCR); Planned Unit Development (PUD); Downtown Center-1 (DC-1); Downtown Center-2 (DC-2); Residential Mixed-Use (RMU); Commercial Mixed-Use (CMU); Employment Mixed-Use (EMU); Office & Institutional (O&I); Neighborhood Commercial (NC); Corridor Commercial (CC); General Commercial (GC); Research Light Industrial (RLI); & Heavy Industrial (HI).

d. Side Yard Zoning Lot Setback*

Architectural Feature or Structure	Encroachment
Accessory Use or Structure	Minimum eight (8) feet to a side property line, see Article F Use Standards, §9-1255, p, Miscellaneous, (1) Accessory Uses
Balconies	Three (3) feet or less
Corner Side Zoning Lot Setback	Required side setback plus 10 Feet
HVAC and Mechanical Units	Minimum three (3) feet from property line
Recreational Equipment (Swings, Trampoline, Play Equipment, etc.)	Minimum five (5) feet from a property line
Swimming Pools (In-Ground or Above-Ground and Associated Above-Ground Decks)	Minimum eight (8) feet from the side property line

* On a corner lot, side setback requirements on the side of the zoning lot adjacent to the right-of-way shall be 10 feet greater than the minimum side setback requirement of the zoning district.

Table – Permitted Signs

Sign Type	Residential Zoning Districts*	Commercial Zoning Districts*	Industrial Zoning Districts	DC-1 & DC-2 Zoning Districts	RMU, CMU & EMU Form-Based Districts
Permanent Freestanding Signs					
Column Sign		P	P		
Decorative Banner		A	A	A	<u>A</u>
Flag	P / A	P / A	P / A	P / A	<u>P / A</u>
Monument Sign	P	P	P	P	<u>P</u>
Integrated Center Sign		P	P		<u>P</u>
Menu Board Sign		A	A		
Pole Sign				P	
Traffic Control Devices on Private Property	A	A	A	A	<u>A</u>
Permanent Attached Signs					
Awning or Canopy Sign	P	P	P	P	<u>P</u>
Blade Sign <u>Projecting Sign</u>		P	P	P	<u>P</u>
General Wall Sign	P	P	P	P	<u>P</u>
Heritage Sign		P		P	
Marquee Sign				P	<u>P</u>
Suspended Sign		P	P	P	
Window Sign	P / A	P / A	P / A	P / A	<u>P / A</u>
Temporary Signs					
Banner Sign	P	P	P	P	<u>P</u>
Construction Sign	P	P	P	P	<u>P</u>
Off-Site Sign	P	P	P	P	<u>P</u>
Sandwich Board Sign	A	A	A	A	<u>A</u>
Sign on Vehicle		A	A		<u>A</u>
Sign Spinner		A	A		<u>A</u>
Temporary Sign with Appurtenances	A	A	A		<u>A</u>
Yard Sign	A	A	A	A	<u>A</u>

*Signs in the TCR or PUD Zoning Districts shall be permitted according to the development type in which the sign is located.

Table –Parking Standards

Use	Minimum Parking Required
Agriculture & Animal Related Uses	1 per 400 sq. ft. of gross floor area
Accessory Agricultural Use (tasting bar, restaurant, gift shop, etc.)	1 per 300 sq. ft. of gross floor area
Stable	1 per 2 horse stalls
Residential Uses	2 per dwelling
Accessory Dwelling Unit	1 per unit
Congregate Living Facility	.5 per dwelling unit or bed plus 1 per employee plus 1 per 8 units for guest
Life Care Community/Retirement Community (apartments)	1 per dwelling unit plus 1 per 10 units for guest
Live/Work Unit	2 per employee
Multi-Family (apartments & condominiums)	1.75 per dwelling unit plus 1 per 4 units for guests
Townhouses	2 per dwelling unit, plus 1 per 3 units for guest parking
Upper-Story Residential (mixed-use)	1.25 per unit
Public & Civic Uses	1 per 5 seats for assembly use or 1.5 per 800 square feet of public use area, whichever is greater
Day Care Uses	1 per 6 children plus 1 per staff member
Educational Facilities	Elementary/Middle School: min. 1 – max. 5 per classroom plus 1 per office High School/College: min. 5 – max. 10 per classroom plus 1 per office
Hospital/Medical Center	1 per 2 beds plus 1 per employee
Office	1 per 400 sq. ft. gross floor area
Parks	3 per gross acre plus 1 per 300 sq. ft. of gross floor area of building or shelter
Passenger Service	1 per 150 sq. ft. of gross floor area per 3000 sq. ft. of gross floor
Place of Worship	1 per 5 seats or 1 per every 40 sf of seating area with moveable seating, whichever is greater. If seating is benches or pews, then the standard shall be 1 per every 6 ft of seating.
Utilities	1 per site or 1 per 2 employees whichever is greater
Commercial Uses*	1 per 350 sq. ft. per gross floor area or a minimum of 5
Adult Uses	1 per 100 sq. ft. of gross floor area of public use area
<u>Assisted Living Facility</u>	<u>1 per 4 residents, plus 1 per employee</u>
Food & Beverage	1 per 50 sq. ft. of public use area or 1 per 4 seats (includes indoor/ outdoor seating areas), whichever is greater

Food Truck Campus	Parking study required**
Public Lodging	1 per guest room or bedroom & 1 per 3 employees
Shopping Center	4.5 per 1,000 sq. ft. of gross floor area
Vehicle, Equipment, Mobile Home, RV/Campers, Trucks, Bus, Boat, Equipment Sales &/or Rental	1 per 600 sq. ft. of public use area plus 1 per 7,000 sq. ft. of outdoor display area
Recreation, Indoor	1 per 200 sq. ft. of public use area
Recreation, Outdoor	6 per gross acre plus 1 per 250 sq. ft. of gross floor area
Industrial Uses & Services	1-3,000 sq. ft. 1 per 500 sq. ft. gross floor area
	3001-10,000 sq. sf. 1 per 850 sq. ft. gross floor area
	10,001-50,000 sq. ft. 1 per 1,200 sq. ft. gross floor area
	50,001 sq. ft. or > 1 per 2,000 sq. ft. gross floor area
Manufacturing, Artisan Products	1 per 2 employees plus 3 for customer parking
Mini-storage, Self-Service Storage	1 per 5,000 sq. ft. of area for storage
Petroleum, Gas Products & Storage	1 per 2 employees on largest shift
Research & Development Facility	One per 1.5 employees or one per 500 sq. ft. of gross floor area whichever is greater
Other Uses	1 per 500 sq. ft. of gross floor area

~~*No more than 125 percent (125%) of the required minimum number of parking spaces shall be provided.~~

**No dedicated parking required in the Form-Based Districts (DC-1, DC-2, RMU, CMU or EMU)

Table – TCR Zoning District Dimensions & Standards

Use Type	Minimum Lot Size	Minimum Lot Width	Maximum Height	Minimum Setback			
				Front	Side	Rear ²	
Residential Uses							
Standard Single-Family Dwelling	8,000	60	40	20	6 ¹	25	
Row House - Single-Family Dwelling	4,000	30		10	5 ¹	6	
Cottage Home Development - Single-Family Dwelling	2,000	50	25	15			15
Cottage Home Development – Multi-family	8,000			15 ⁴	5 ⁴	15 ⁴	
Duplex & Triplex Dwelling	12,000	60	40	20	6 ¹	25	
Quadplex Dwelling ³	15,000	70		20	6	25	
Multi-Family Development				15 ⁵	5	5	
Townhouse		48 20					
Zero-lot Line	See Article F Use Regulations, §9-1255, l. (4)						
Nonresidential Uses							
Adjacent Right-of-Way	Min. 20,000 / Max. 4 Acres		50	Min. 12 / Max. 20	Min. 10/ Max. 15		
Adjacent Use - Residential						30	30
Adjacent Use - Nonresidential						15	15

1The corner side setback adjacent to a public right-of-way shall be in accordance with Article G.

2Rear-loaded garages shall comply with the provisions provided below.

3A quadplex shall be one (1) story only.

4From exterior street or perimeter only.

5Front setback may be reduced to 10 feet if townhouse is rear loaded.

Table – PUD Zoning District Dimensions & Standards

Use Type	Minimum Lot Size	Minimum Lot Width	Maximum Height	Minimum Setback			
				Front	Side	Rear ²	
Exterior Perimeter Boundary	30						
Residential Uses							
Large Lot Single-Family Dwelling	10,000	60	40	20	6 ¹	25	
Small Lot Single-Family Dwelling	8,000	50		20	6 ¹	25	
Row House	4,000	30		10	5 ¹	6	
Cottage Home Development – Single-Family Dwelling	5,000	50		15		15	
Cottage Home Development – Multi-Family	8,000			15 ³	5 ³	15 ³	
Duplex & Triplex Dwelling	12,000	60		20	6 ¹	25	
Quadplex Dwelling	15,000	70		20	6	25	
Multi-Family Development				20	6	25	
Townhouse		18 20		15 ⁴	5	5	
Zero-lot Line	See Article F Use Regulations, §9-1255, I. (4)						
Nonresidential Uses							
Adjacent Right-of-Way	Min. 1 acre		50	Min. 12 / Max. 20	Min. 10 / Max. 15		
Adjacent Use - Residential						30	30
Adjacent Use - Nonresidential						15	15

¹The corner side setback adjacent to a public right-of-way shall be in accordance with Article G.

²Rear-loaded garages shall comply with the provisions provided below.

³From exterior street or perimeter only.

⁴Front setback may be reduced to 10 feet if townhouse is rear loaded.