



Town Commission Ordinance

APRIL 1, 2019

ORDINANCE NO. PZ-19-03

**AN ORDINANCE ADOPTED BY THE BOARD OF COMMISSIONERS
OF THE TOWN OF FUQUAY-VARINA, NC
AMENDING THE TOWN CODE OF ORDINANCES
PART 9, LAND DEVELOPMENT ORDINANCE
CLEAN-UP AMENDMENT #9
CTA-2019-01**

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

Section 1. Article D CONVENTIONAL ZONING DISTRICTS is amended as follows:

§9-1151 Traditional Zoning Districts, b. Residential Agricultural (RA) Zoning District

The Residential Agricultural (RA) Zoning District is intended to permit proposed and existing large zoning lot single-family detached dwellings in established neighborhoods and to provide for lower density, rural residential zoning lot (stick-built or modular unit) development and agricultural farming operations, forestry management, farmsteads, public or private parks and greenways. This district may accommodate residential use on a zoning lot with a minimum size of 20,000 square feet, at a density not to exceed 2.18 single-family detached dwelling units per gross acre with one (1) public utility, or with a community water system approved by the Wake County Health Department. If a septic tank and well for each zoning lot is proposed the minimum lot size shall be 30,000 square feet, approved by the Wake County Health Department or as amended in the future. Optional development in this district may also include open space developments, permitted in accordance with Article F Use Regulations, §9-1255, l. (4) and household living, Article F, §9-1255, m., both of which require public utilities and the thoroughfare improvements in accordance with the Community Transportation Plan. The Town may extend public utilities the transportation system and/or other infrastructure networks into or through this district. As the Town's infrastructure network is expanded or extended, a relative change may be reflected in development density, typically reflected through a change in zoning district classification.

d. Residential Medium Density (RMD) Zoning District

The Residential Medium Density (RMD) Zoning District is intended to permit proposed residential development and existing single-family detached dwelling units, duplex, triplex or quadplex residential uses to provide for medium density urban residential (stick-built or modular unit) zoning lot development. This district may accommodate residential use on a zoning lot at a density not to exceed six (6) dwelling units per gross acre with public utilities. Single-family subdivision development types, not including townhome development, shall develop lots at a minimum of 10,000 square feet per lot, or 4.36 dwelling units per gross acre. Optional development in this district also includes open space developments, Article F Use Regulations, §9-1255, l. (4) townhouse developments, permitted in accordance with Article F Use

ORDINANCE NO. PZ-19-03

April 1, 2019

Page 2 of 6

Regulations, §9-1255, I. (5), and zero lot line developments, Article F Use Regulations, §9-1255, I. (6), all of which requires public utilities, forestry management, and public or private parks and greenways. The Town may extend public utilities, the transportation system and/or other infrastructure networks into or through this district. As the Town's infrastructure network is expanded or extended, a relative change may be reflected in development density, typically reflected through a change in zoning district classification.

e. **Residential High Density (RHD) Zoning District**

The Residential High Density (RHD) Zoning District is intended to permit proposed residential development and existing single-family dwelling units, duplex, triplex, and quadplex residential uses, and to provide for multi-family high density urban residential zoning lot development. This district may accommodate residential uses not to exceed 16 dwelling units per gross acre with public utilities. Single-family subdivision development types, not including townhome development, shall develop lots at a minimum of 10,000 square feet per lot, or 4.36 dwelling units per gross acre. Optional development in this district also include a duplex, triplex, quadplex, multi-family permitted in accordance with Article F Use Regulations, §9-1255, I. (3), open space developments, Article F Use Regulations, §9-1255, I. (4), townhouse developments, Article F Use Regulations, §9-1255, I. (5), , and zero lot line developments, Article F Use Regulations, §9-1255, I. (6), all of which requires public utilities, forestry management and, public or private parks and greenways. The Town may extend public utilities, the transportation system and/or other infrastructure networks into or through this district. As the Town's infrastructure network is expanded or extended, a relative change may be reflected in development density, typically reflected through a change in zoning district classification.

**No text amendments are proposed for a., c., f., g., h., i., j., or k. of this section; hence, they are omitted from this document.*

Section 2. Article F USE REGULATIONS is amended as follows:

§9-1255 Use Standards, I. Development Projects, (2) Mixed-Use Development, D, Mixed-Use Development Standards,

- iv. *Non-Residential Uses.* Non-residential uses shall contain a maximum of 50 percent (50%) of land area within environmentally sensitive features, including 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 i., ii., or iii. of this section; hence, they are omitted from this document. Further, in order to maintain the brevity of this document, the numbering of the remaining items in this section are amended from iv.–xvii. to v.–xviii.*

§9-1255 Use Standards, I. Development Projects, (3) Multi-Family, A. General Standards,

- ii. *Maximum Lot Coverage as Accessory Use.* Accessory multi-family developments located in the Office & Institutional (O&I), Neighborhood Commercial (NC), Research Light Industrial (RLI), and Heavy Industrial (HI) Zoning Districts shall not exceed 30 percent (30%) of the gross land area.

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

§9-1255 Use Standards, I. Development Projects, (4) Open Space Development, G. Density for Open Space Development,

ORDINANCE NO. PZ-19-03

April 1, 2019

Page 3 of 6

[See Attachment A - CTA-2019-01 - Table - Density & Lot Size for Open Space Development](#)

§9-1255 Use Standards, y. Retail Sales & Service, (14) Seasonal Outdoor, Sales / Display,

- E. The retailer shall apply for the appropriate permit through the Planning Department. The retailer shall identify the beginning date and end date of the display on the application.

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

Section 3. Article G LOT & STRUCTURE PROVISIONS is amended as follows:

§9-1300 Development Dimensions & Standards,

[See Attachment B - CTA-2019-01 - Table - Dimensions & Standards](#)

Section 4. Article L SIGNS is amended as follows:

§9-1555 Zoning District Sign Regulations, a. DC-1 & DC-2 Zoning District Sign, (2) Permanent Freestanding Sign Standards,

- B. *Materials.* The sign surface shall be constructed of wood, metal, masonry material, painted signs and/or aluminum composite material (ACM). Use of plastic as the surface material is prohibited.

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

§9-1555 Zoning District Sign Regulations, b. Nonresidential Use Sign in Residential Zoning Districts, (3) Permanent Freestanding Sign Standards,

- D. *Home Occupation Signage.* In the Town's extraterritorial jurisdiction (ETJ), one (1) ground sign advertising a home occupation is permitted in accordance with the following standards:

- i. *Illumination.* Illuminated signs are prohibited.
- ii. *Material.* The sign shall be made of wood (painted or not) only. iii.

Surface Area. The sign shall not exceed four (4) square feet per side.

- iv. *Maximum Height.* The sign shall be no higher than four (4) feet above grade.

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

§9-1555 Zoning District Sign Regulations, b. Nonresidential Use Sign in Residential Zoning Districts, (4) Permanent Attached Sign Standards,

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

Section 5. Article O LANDSCAPING & TREE PROTECTION STANDARDS is amended as follows:

§9-1714 Landscaping, Buffers & Screening,

[See Attachment C - CTA-2019-01 - Table - Landscaping, Buffers & Screening](#)

Section 6. Article Q PROCEDURES & ADMINISTRATION is amended as follows:

ORDINANCE NO. PZ-19-03

April 1, 2019

Page 4 of 6

§9-1808 Common Application Procedures, b. Amendments, (2) Amendment to the Official Zoning Map,

- E. Neighborhood Meeting.* At least one (1) neighborhood meeting is required for an application for rezoning, conditional zoning, planned unit development zoning, and form-based zoning. The applicant shall submit a written report to the Planning Director of at least one (1) neighborhood meeting held by the applicant at least 25 calendar days before the first scheduled public hearing or prior to the legal advertisement being published, whichever comes first. The neighborhood meeting shall comply with the following procedures:
- i. *General.* The purpose of the neighborhood meeting is to educate adjoining property owners and other interested persons about the proposed application, to receive neighborhood comments, and to address concerns about the proposed zoning. At the neighborhood meeting, the applicant shall explain the application, answer questions, respond to concerns neighbors have about the application and proposed solutions and/or unresolved concerns.
 - ii. *Time & Place.* The neighborhood meeting shall be held at a place that is generally acceptable to neighbors that reside in close proximity to the land subject to the application.
 - iii. *Notification.* The applicant shall provide notification of the neighborhood meeting a minimum of 10 calendar days in advance of the meeting by mail to all landowners within 200 feet of the land subject to the application, to the neighborhood association (if any) and to the Town of Fuquay-Varina Planning Department.
 - iv. *Report.* A report shall be submitted to the Planning Department and shall include the following information:
 1. *List of Contacts.* A list of persons and organizations contacted about the meeting and the manner and date of contact.
 2. *Meeting Notification.* The date, time and location of the meeting, and all other information provided as part of the required notification.
 3. *Attendees.* A list of all neighbors/persons in attendance at the meeting.
 4. *Summary of Issues.* A detailed summary of issues and/or matters discussed at the meeting.
 5. *Changes & Resolutions.* A detailed description of any changes and/or resolutions made by the petitioner as a result of the meeting.

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

§9-1808 Common Application Procedures, h. Construction Drawings & Authorization,

(4) ***NC Department of Transportation Review.*** Any construction drawings submitted that include thoroughfares maintained by the North Carolina Department of Transportation will require coordinated review between the Town and the North Carolina Department of Transportation. This coordination shall include, but is not limited to, thoroughfare improvements based on the Town of Fuquay-Varina's Community Transportation Plan and required improvements regulated by the North Carolina Department of Transportation. Initial contact to the Town for transportation issues shall be through the Town of Fuquay-Varina's Director of Engineering.

ORDINANCE NO. PZ-19-03

April 1, 2019

Page 5 of 6

(5) **Stormwater Management.** As part of the review of the construction drawings, the Stormwater Management Regulations shall be included with the drawings and shall meet the standards as provided in the Land Development Ordinance in accordance with Article I Environmental Protection & Standards, §9-1405 Stormwater Management Regulations. Initial contact to the Town for stormwater management issues shall be through the Town of Fuquay-Varina's Director of Engineering.

(6) **Construction Drawing Components.** All construction drawings shall meet the Town's Standard Specifications & Construction Details and include all information included on the approved preliminary major subdivision plat, prior to approval.

(7) **Approval.** Upon verification of the construction drawings meeting all applicable regulations and standards, the Planning Department will provide an approval letter and stamp one (1) set of construction drawings. The approved set of construction drawings and approval letter will be submitted to the engineer of record. The engineer of record shall provide the Town the appropriate number of sets of construction drawings and pay required construction inspection fees prior to the Town scheduling a pre-construction meeting.

(8) **Pre-construction Meeting.** Prior to beginning construction on the site for development, the developer shall request a pre-construction meeting through the Town of Fuquay-Varina's Public Works Department.

(9) **State Certifications & Approvals.** The property owner/developer shall be responsible for submitting water and wastewater permits to the State of North Carolina, Division of Water Resources. No construction of water or wastewater utilities is permitted until the property owner/developer receives an authorization to construction from the State of North Carolina.

**No text amendments are proposed for (1), (2), or (3) of this section; hence, they are omitted from this document.*

§9-1808 Common Application Procedures, z. Site Plan, (3) Site Plan Components, E. Grading Sheet/Plan,

- ii. **Disturbed Area.** A grading and sedimentation & erosion control plan shall be submitted to the Town of Fuquay-Varina as part of the site plan submittal. The Town of Fuquay-Varina shall not release the grading permit until the site plan has been approved, unless otherwise approved by the Director of Engineering.

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

Section 7. Article R VIOLATIONS, PENALTIES & LEGAL PROVISIONS is amended as follows: §9-1856

Remedies & Penalties,

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

Section 8. Appendix B DC-1 & DC-2 FORM-BASED DISTRICTS is amended as follows.

§9-2002 Downtown Center-1 (DC-1) Zoning District, q. Articulation,

- (2) **Applicability.** Where the primary use of the property is that of a public purpose, exception to primary façade requirements, as specified in the Land Development Ordinance, may be approved by the Town Board of Commissioners.

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

ORDINANCE NO. PZ-19-03

April 1, 2019

Page 6 of 6

§9-2002 Downtown Center-1 (DC-1) Zoning District, r. Ground Floor Façades & Windows,

- (6) **Applicability.** Where the primary use of the property is that of a public purpose, exception to the ground floor façade and windows requirements, as specified in the Land Development Ordinance, may be approved by the Town Board of Commissioners.

**No text amendments are proposed for (1), (2), (3), (4), or (5) of this section; hence, they are omitted from this document.*

§9-2002 Downtown Center-1 (DC-1) Zoning District, s. Building Materials,

- (2) **Applicability.** The building materials as specified in the Land Development Ordinance apply to nonresidential, mixed-use and multi-family development. It does not apply to one and two family dwellings in accordance with the North Carolina Residential Code for One and Two Family dwellings. Where the primary use of the property is that of a public purpose, exception to the ground floor façade and windows requirements, as specified in the Land Development Ordinance, may be approved by the Town Board of Commissioners.

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

Section 9. Appendix C TOWN CENTER RESIDENTIAL DISTRICT is amended as follows:

§9-4003 General Standards,

See Attachment D - CTA-2019-10 - Table - TCR Zoning District Dimensions & Standards

BE IT FURTHER ORDAINED, by the Board of Commissioners of the Town of Fuquay-Varina that this ordinance shall take effect immediately upon its adoption.

Adopted this the 1st day of April 2019 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

ATTEST:

John W. Byrne, Mayor

(TOWN SEAL)

Rose H. Rich, Town Clerk



CTA-2019-01 – Attachment A – Table – Density & Lot Size for Open Space Developments

Table – Density & Lot Size for Open Space Developments

Zoning	10% Dedicated Open Space with 100% of Primary Areas as part of the Open Space		18% Dedicated Open Space with 100% of Primary Areas as part of the Open Space		25% Dedicated Open Space with 100% of Primary Areas as part of the Open Space	
	Maximum DU/A	Minimum lot size (sq. ft.)	Maximum DU/A	Minimum lot size (sq. ft.)	Maximum DU/A	Minimum lot size (sq. ft.)
RA	2.18	15,000	2.18	12,000	2.18	10,000
RLD	3.00	10,000	3.00	8,000	3.00	7,000
RMD	4.36	8,000	4.36	7,000	4.36	5,000
RHD	4.36	6,000	4.36	5,000	4.36	4,000

*Maximum dwelling units per acre (DU/A) provided in this Table reflects the maximum number of units permitted for the entire project area.

CTA-2019-01 – Attachment B – Table – Dimensions & Standards

Table – Dimensions & Standards

Zoning District	Minimum Lot Size	Minimum Lot Width	Maximum Height	Maximum Density	Minimum Setback		
					Front	Side**	Rear
Resource Conservation (RC) Zoning District	3 acres	100	40	≤1	40	25	25
Residential Agricultural (RA) Zoning District	20,000*	90	40	2.18	35	15	30
Residential Low Density (RLD) Zoning District	14,500	80	40	3	30	10	30
Residential Medium Density (RMD) Zoning District	10,000	70	50	6	30	8	30
Residential High Density (RHD) Zoning District	10,000	60	70	16	25	8	25
Town Center Residential (TCR) Zoning District	See Appendix C Town Center Residential Zoning District						
Planned Unit Development (PUD) Zoning District	See Appendix D Planned Unit Development District						
Downtown Center-1 (DC-1) Zoning District	See Appendix A DC-1 & DC-2 Form-Based Districts						
Downtown Center-2 (DC-2) Zoning District							
Residential Mixed-Use (RMU) Zoning District	See Appendix B RMU, NMU & UMU Form-Based Zoning Districts						
Neighborhood Mixed-Use (NMU) Zoning District							
Urban Mixed-Use (UMU) Zoning District							
Office & Institutional (O&I) Zoning District	10,000	50	65		20		
Neighborhood Commercial (NC) Zoning District			65		20	10	10
Corridor Commercial (CC) Zoning District			65	16***	20		
General Commercial (GC) Zoning District			65	16***	20		
Research Light Industrial (RLI) Zoning District	20,000	100	65	18***	20	10	20
Heavy Industrial (HI) Zoning District	≥1 acres	100	65		100	40	50

*20,000 square feet requires connection to public water; if public water is not available the minimum lot size shall be 30,000 square feet.

** 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, except that a garage shall be located a minimum of 20 feet from the corner side property line.

*** Residential use is limited to a maximum percentage of the nonresidential property. See Multi-Family under Article F Use Regulations.

Table – Landscaping, Buffers & Screening

Required Buffer	Perimeter Buffer										Thoroughfares: Street Trees & Buffers					
	Adjacent Property Developed: Use Type					Adjacent Property Vacant: Zoning District										
Proposed Land Use Class	1	2	3	4	5	6	Res.	O&I	Comm.	Ind.	Freeway/ Expressway	Boulevard/ Parkway	Major/Minor Thoroughfare	Thoroughfare Collector	Residential Collector	Street/Local Street
1	0	15 B	15 C	15 B	30 A	50 A	0	15 C	20 C	25 B	50/30 A/B	30/20 B/C	20 C	15 C	5 ST	5 ST
2	10 B	0	15 B	15 B	30 A	50 A	10 C	15 B	20 B	25 B	50/30 A/B	30/20 B/C	20 C	15 C	5 ST	5 ST
3	20 A	10 B	0	15 B	20 A	30 A	15 B	10 D	15 C	20 B	50/30 A/B	30/20 B/C	20 C	15 C	10 ST	10 ST
4	20 B	15 B	15 B	0	15 C	20 C	20 C	0	0	20 B	20 C	20 C	20 C	15 C	10 ST	10 ST
5	30 A	25 B	20 C	10 C	0	15 C	30 B	15 C	0	20 C	20 C	20 C	15 C	15 C	15 ST	15 ST
6	50 A	40 A	30 B	20 B	15 C	0	50 B	40 B	30 C	15 D	20 B	20 C	20 C	20 C	20 ST	20 ST

**CTA-2019-01 – Attachment D –
Table – TCR Zoning Dimensions & Standards**

Table – TCR Zoning District Dimensions & Standards

Use Type	Minimum Lot Size	Minimum Lot Width	Maximum Height	Minimum Setback			
				Front	Side	Rear**	
Residential Uses							
Standard Single-Family Dwelling	8,000	60	40	20	6*	25	
Row House - Single-Family Dwelling	4,000	30		10	5*	6	
Cottage Home Development - Single-Family Dwelling	5,000	50		15		15	
Duplex & Triplex Dwelling	12,000	60		20	6*	25	
Quadplex***	15,000	70		20	6	25	
Multi-Family Development					15	5	5
Townhouse		18					
Zero-lot Line	See Article F Use Regulations, §9-1255, I. (6)						
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	

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

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

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