
ZEBULON

NORTH CAROLINA

**TOWN OF ZEBULON
PLANNING BOARD AGENDA
September 20, 2021
Following 7:00 PM Joint Public Hearing**

Due to COVID-19, we encourage public hearing comments in writing and public in-person attendance is limited to 8.

Please contact Deputy Town Clerk Stacie Paratore at (sparatore@townofzebulon.org) to reserve a seat, or to provide comments of 400 words or less to by 12:00 pm on September 20, 2021 to be read into the record at the meeting.

Virtual attendance is available through Facebook and YouTube.

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

IV. ELECTION OF OFFICERS

V. NEW BUSINESS

1. ***TA 2022-01-A Downtown Building Regulations*** – An amendment to Section 3.5.3 of the Unified Development Ordinance to require staff review of exterior modifications and alterations of buildings in the Downton Core (DTC) district.
2. ***TA 2022-01-B New Art Related Uses*** – An amendment to Sections 4.2.3 4.3.5. and 9.4 of the Unified Development Ordinance to authorize and regulate Art Galleries and Artisan Studios.
3. ***TA 2022-01-C New Uses – Pawn Shops and Vape, Tobacco, and CBD Shops*** - Amendments to Sections 4.2.3, 4.3.5, and 9.4 of the Unified Development Ordinance to authorize and regulate Pawn shops and Vape, Tobacco, and CBD shops.
4. ***TA 2022-01-D, Design Regulations for Vehicle Dominate Uses*** – Amendments to Sections 4.3.5, 4.4.7, and 5.3.1 of the Unified Development Ordinance to establish design regulations for vehicle dominate uses.
5. ***TA 2022-01-E, Corrections to the Unified Development Ordinance*** – Amendments to Sections 3.4.5, 3.4.6, and 3.4.7 to correct minimum setback distance in Industrial Districts; Section 4.2.3 to clarify residential uses in DTC Zoning District; Section 4.3.5.G to clarify vehicle location standards; Section 5.3.1 to correct design exemptions, Section 5.1.4 to correct lot access; Section 5.3.1 to correct applicability of design standards; Section 5.3.2 to correct design standards; Section

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5.3.3 to correct design standards; Table 5.8.4.H and Section 5.8.7 regarding guest parking; and Section 9.4 to correct definitions of “Best Management Practices” and “Major Variance (Watershed)”.

6. **Parks & Recreation Impact Fee Study.** A request to adopt the Parks & Recreation Impact Fee study and recommended fee. The study considers impact fees on new development to supplement the expected costs of park projects related to growth as identified in Play Zebulon: Parks and Recreation Comprehensive Master Plan.
7. **Budget: Fee Schedule Update.** A request to amend the Fee Schedule to remove the Greenway Impact Fee of \$500 per dwelling and replace it with a Parks and Recreation Impact Fee of \$3000 per single family dwelling units and \$2500 for multi-family dwelling units.

VI. STAFF UPDATES

VII. ADJOURNMENT

**Zebulon
Planning Board
Minutes
June 14, 2021**

Present: Gene Blount, Laura Johnson, Joshua Robinson, Michael Germano, Jessica Luther, Stephanie Jenkins, David Lowry, Joe Moore-Town Manager, Michael Clark-Planning, Stacie Paratore-Deputy Town Clerk, Sam Slater-Town Attorney

Gene Blount called the meeting to order at 7:00pm.

APPROVAL OF AGENDA

Stephanie Jenkins made a motion, second by Laura Johnson to approve the agenda. There was no discussion and the motion passed unanimously.

APPROVAL OF MINUTES

David Lowry referenced typos that needed correcting in the minutes.

David Lowry made a motion, second by Laura Johnson to approve the May 10, 2021 minutes as amended. There was no discussion and the motion passed unanimously.

NEW BUSINESS

A. Transportation Plan

Michael Clark spoke about the draft Comprehensive Transportation Plan. There were concerns expressed at the May 10, 2021 meeting regarding the alignments for the proposed bypass. Staff worked with the transportation consultants to revise the plan.

Michael Clark explained transportation planning and the importance of having a future plan. A plan would give consistency and would be a guiding document for the Town.

The proposed roadway facilities map was shown. After hearing concerns from the Planning Board and citizens, staff worked with consultants at Ramey Kemp and Associates to strengthen the grid system and create additional connections.

The proposed bypass was removed from the Roadway Facilities Map. There was now a T-stub instead of a continuous loop and was pushed as far west as possible. The road would be a two-lane undivided road which would connect to Water Plant Road, then to Wendell. This connection created east and west corridors and connected multiple stub streets.

There was a question about speed limits on the proposed four lane roads. Michael Clark explained NCDOT would determine the speed limits, but most likely would be a 35mph or 45 mph speed limit.

David Lowry asked for a copy of the overlay of the new revised map with the land use map.

Joshua Robinson thanked the consultants for their work and felt the updated map was a great compromise.

David Lowry made a motion, second by Stephanie Jenkins to recommend approval of the Comprehensive Transportation Plan with the amended map. There was no discussion and the motion passed unanimously.

DEVELOPMENT UPDATES

Michael Clark gave a historic district update. The Board of Commissioners passed a Resolution to recommend denial of the National Register of Historic District.

The National Register Advisory Committee, of the North Carolina State Historic Preservation Office, voted to recommend forwarding the application as originally drafted to the National Park Service.

Staff stated the Town supported historic preservation in an open transparent matter that included all in the process.

The Board of Commissioners approved the Comprehensive Land Use Plan.

The Planning Department's new Code Enforcement Officer would begin on Monday, June 21.

All development updates could be found on the Interactive Development Map on the Town's website.

Michael Clark stated the Planning Department created a listserv where citizens could sign up to receive updates for Joint Public Hearings and planning events. The sign up was on the Town's Planning page and would be advertised through social media.

It was suggested to make the Public Hearing signs larger so they would be easier to read.

Laura Johnson made a motion, second by Joshua Robinson to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 20th day of September 2021.


Gene Blount—Chair

SEAL

Stacie Paratore, CMC—Deputy Town Clerk

STAFF REPORT
TEXT AMENDMENT TA-2022-1-A
DOWNTOWN BUILDING DESIGN
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Topic: TA-2022-1-A Downtown Building Design

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider amending the Unified Development Ordinance to include building paint colors in the Design Standards of the Downtown Core Zoning district.

Background:

According to Section 3.5.3.A of the UDO, "The Downtown Core (DTC) district is the cultural and commercial heart of Zebulon. It contains the oldest commercial structures of three to four stories organized in uniform fashion on grid streets. The need for segregation of uses is limited except as necessary to avoid negative impacts from noxious or heavy industrial uses. Development is configured for an urban context. Buildings are built to the street with ground-floor nonresidential uses that energize pedestrian activity. There are civic gathering spaces and cultural attractions. The DTC district encourages mixed-use development and redevelopment of existing and underutilized lands with a greater emphasis placed on urban form and compatibility than on use type. The purpose of the DTC district is to preserve and protect the established development character while encouraging redevelopment and infill that is consistent with the established character of the district." To keep with the last part of the description, the proposed regulations will allow the Town to work collaboratively with building owners and occupants to maintain the existing character when the exterior of the existing buildings are being modified by establishing a review process.

Discussion:

The discussion before the Board is whether to establish regulations adding a level of review prior to modifying the exterior of buildings.

Policy Analysis:

Section 3.5.3.E of the UDO provides with the most specific guidance on preserving and protecting the Downtown Core's development character. Absent the proposed regulations, there is an unlimited palette of colors available to paint a building, resulting in conflicting paint colors or matching paint colors throughout the entire downtown. Both work against the Town's intent to establish a Vibrant Downtown as indicated in the 2030 Strategic Plan.

Financial Analysis:

Regulations to establish a compatible color palette within downtown has a visual impact on the perceived vibrancy of Downtown when implemented. This improves occupancy rates and limits vacancies which results in increased property values and sales within

STAFF REPORT
TEXT AMENDMENT TA-2022-1-A
DOWNTOWN BUILDING DESIGN
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

downtown. Finally, it frees up Staff time having to investigate potential changes to buildings to make sure that they are in keeping with the applicable UDO and Building Code regulations.

Staff Recommendation:

Recommends the Board of Commissioners and Planning Board accept public comment. Following the public comment, staff recommends the Board of Commissioners forward this topic to the Planning Board for further discussion and deliberation, and recommendation.

Attachments:

1. Section 3.5.3.A
2. Example Photos

ARTICLE 3: DISTRICTS

3.5. General Mixed Use Zoning Districts

3.5.3 Downtown Core (DTC) District

The established pattern of streets and blocks shall be continued and shall not be interrupted or blocked by new buildings.

11. PUBLIC UTILITIES

Public water, public sewer, and street drainage infrastructure shall be required as a part of new development and redevelopment

12. DESIGN STANDARDS

All new development and redevelopment shall be configured in accordance with the following:

a. Building paint colors shall be reviewed by the Planning Director and shall be in keeping with the context and character of surrounding buildings and visually distinct from immediately adjacent structures.

a.b. The first floor of building facades adjacent to sidewalks shall be occupied by fenestration for at least 50% of the ground floor façade from grade to a height of 12 feet.

b.c. Primary building entrances shall face streets and sidewalks, not parking lots.

c.d. Building facades along sidewalks shall include weather protection for pedestrians.

e. Primary entrances shall be flanked by public gathering spaces, outdoor dining areas, public art, or other feature that encourages pedestrian to congregate.

d.f. Infill and new development shall meet the Mixed-Use Design Standards in Section 5.3.2 unless regulated above.

Wetumpka Alabama Before:



After:





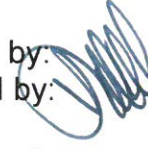
Detroit Michigan



Yazoo City Mississippi

STAFF REPORT
TEXT AMENDMENT TA-2022-1-B
NEW USES
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Topic: TA-2022-1-B NEW USES

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider amending the Unified Development Ordinance to permit and regulate Art Galleries and Artisan Studios in multiple zoning districts.

Background:

In the past two years the community's interest in the arts has increased with the establishment of the Zebulon Downtown Arts Council, the installation of Twisted Tango at 116 N. Arendell, and the painting of a mural at Whitely Furniture. However, the current Unified Development Ordinance does not have uses to permit art galleries or artisan studios. These uses traditionally have been flexible enough to move into currently vacant spaces without substantial investment or impacts on infrastructure and can act as a catalyst for additional redevelopment possibilities. As presented, the regulations are structured to permit these uses, but to also establish regulations to prevent negative impacts from odor, sound, or vibration on neighboring properties.

Discussion:

The discussion before the Board is whether to create Art Galleries and Artisan Studios as permitted uses within multiple districts.

Policy Analysis:

The proposed amendments to permit Art Galleries and Artisan Studios is consistent with Section 3.5.3.A of the UDO in that both spaces operate as gathering spaces that also bolster the economic vitality of our Downtown as well as other Zoning Districts. Furthermore, it is consistent with Goal 1 of the Economic Development Chapter in the Comprehensive Land Use Plan as it establishes a resilient community that supports entrepreneurs.

Financial Analysis:

The proposed uses can move into existing store fronts and would increase the pedestrian traffic in front of tenant spaces, vitality occupancy rates and property values with minimal cost of upfit.

Staff Recommendation:

Staff Recommends the Board of Commissioners and Planning Board accept public comment. Following the public comment, staff recommends the Planning Board recommend approval of the proposed text amendments.

Attachments:

1. Table 4.2.3 (Use table with new uses)
2. Section 4.3.5 (Regulations of new uses)

STAFF REPORT
TEXT AMENDMENT TA-2022-1-B
NEW USES
SEPTEMBER 20, 2021
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3. Section 9.4 (Definitions new uses)
4. Photos of Examples from other Municipalities.

ARTICLE 4: USES

4.2. Principal Uses

4.2.3. Principal Use Table

TABLE 4.2.3: PRINCIPAL USE TABLE

A=Allowed (if listed in a PD master plan); P=Permitted subject to applicable use-specific standards; S=Requires approval of a special use permit and compliance with applicable use-specific standards; “.”=Prohibited

USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE				USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	PD	
Temporary Wireless Facility	.	S	S	S	S	S	P	P	P	P	P	P	S	S	A	4.3.4.R; 4.3.4.S
Urgent Care Facility	P	P	P	.	.	.	P	.	P	A	
Utility, Major	P	P	P	P	P	P	.	P	A	4.3.4.T
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	4.3.4.T
COMMERCIAL USE CLASSIFICATION																
ABC Store	P	.	.	.	.	S	S	A	
Adult Business	S	.	.	.	.	.	.	.	4.3.5.A
Aircraft Parts, Sales, and Maintenance	P	P	P	.	.	.	A	
Animal Day Care / Grooming	P	P	P	P	.	P	.	.	P	A	4.3.5.B
Animal Shelter	S	.	S	.	.	.	.	4.3.5.C
Art Gallery						P	P	P				P	P	P	A	4.3.5.D
Artisan Studio						P	P	P		P		P	P	P	A	4.3.5.E
Auction House	P	P	P	.	P	.	.	P	A	
Automotive Repair and Servicing (without painting/ bodywork)	P	P	P	.	P	.	.	S	.	4.3.5.F
Automotive Sales and Rentals	P	P	P	.	P	.	.	P	A	4.3.5.G
Automotive Painting/Body Shop	P	P	.	P	.	.	.	.	4.3.5.H
Automotive Parts and Accessories Sales	P	P	.	.	.	.	.	P	A	
Automotive Wrecker Yard	P	.	P	.	.	.	.	4.3.5.I
Bar, Cocktail Lounge, or Private Club	S	S	S	S	.	.	.	P	P	A	4.3.5.J
Bed and Breakfast	S	S	S	S	P	P	P	P	.	.	.	P	P	P	A	4.3.5.K
Boat and Marine Rental, Sales, and Service	P	P	P	.	P	.	.	.	A	
Bottle Shop (with on premise consumption)	S	S	P	S	.	.	.	P	P	A	4.3.5.L
Business Incubator	P	P	P	P	P	.	P	P	P	A	4.3.5.M
Campground	P	.	P	.	P	.	.	.	.	.	A	4.3.5.N
Car Wash or Automobile Detailing	P	P	P	.	.	.	.	P	A	4.3.5.O
Catering Establishment	P	P	P	.	P	.	P	P	A	
Check Cashing/Payday Lending Establishment	S	S	.	.	.	.	.	S	.	
Clothing Rental	P	P	.	.	.	.	P	P	A	

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

4.3.5. COMMERCIAL USES**A. ADULT BUSINESS**

1. No sexually oriented business or adult cabaret shall locate within 2,000 feet of any other sexually oriented business or adult cabaret, as measured in a straight line from property line to property line.
2. No sexually oriented business or adult cabaret shall be located within 1,000 feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residence or any establishment with an on-premise ABC license. The 1,000-foot distance shall be measured on a straight line from property line to property line.
3. There shall not be more than one sexually oriented business or adult cabaret on the same property or in the same building, structure or portion thereof.
4. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any sexually oriented business or adult cabaret.
5. Except for the signs permitted in Section 5.11, Signage, no other advertisements, displays or signs or other promotional material shall be visible to the public from pedestrian sidewalks, walkways or vehicular use area.
6. Wall sign area limitations for a sexually oriented business or an adult cabaret shall be limited to the following:
 - a. Sign area: one-fourth of a square foot per linear foot of building wall.
 - b. Only one wall sign is permitted.
 - c. The wall sign shall face a public street right-of-way.

B. ANIMAL DAY CARE/GROOMING

Animal day care or animal grooming uses shall comply with the following standards:

1. Overnight boarding of animals shall not be permitted.
2. Outside play areas for animal day care uses shall not be located within 100 feet of any residentially zoned property or property being used as residential.
3. No more than one animal day care or animal grooming and day care in combination operating as one business shall be allowed within a multi-tenant building.
4. Animal day care uses located within multi-tenant structures shall be soundproofed.
5. Free standing animal day care uses located within 100 feet of property zoned residential or being used as residential shall be soundproofed.
6. Animal day care or grooming located within a downtown district shall be conducted within a completely enclosed building. No outside activity shall be permitted.

C. ANIMAL SHELTER

1. All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
 - a. All activities shall be at least 500 linear feet from a lot in a residential or OI zoning district; and
 - b. All activities shall be at least 300 linear feet from land zoned NC.
2. Outdoor areas used to house or exercise animals shall be protected from the weather and enclosed by a fence at least six feet in height.

D. ART GALLERY

1. Work displayed within an art gallery shall be available for retail sale.
2. Display areas within art galleries may also be used as event or gathering spaces when they are clearly accessory to the principal use of display of art for retail sale.

E. ARTISAN STUDIO

1. Goods produced on site shall also be available for retail sale on site.
2. At least 20% of the total floor area shall be dedicated for the display of items for retail sale.
3. Total manufacturing, assembly, or production space shall not exceed 5,000 square feet.

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

4. [Measures shall be taken to minimize any potential noise, vibration, smell, or similar impacts onto neighboring buildings, lots, or uses.](#)

D.F. AUTOMOTIVE REPAIR AND SERVICING (WITHOUT PAINTING/BODYWORK)

When proposed in the NC, [GC, or HC](#) districts, automobile repair and servicing uses shall comply with the following:

1. If the property abuts a lot in a residential zoning district, the following requirements shall be met:
 - a. A Type A perimeter buffer shall be provided along any lot line abutting a residential zoning district.
 - b. Side yards abutting a lot in a residential zoning shall be at least ten feet in width.
 - c. Side yards abutting a lot in a residential zoning shall be at least 20 feet in width.
- ~~d.~~ 2. New construction shall conform to the mixed-use design standards in section 5.3.2.

E.G. AUTOMOTIVE SALES OR RENTALS

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

1. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
 2. No vehicles or other similar items shall be displayed on the top of a building;
 3. All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
 4. Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.
- ~~4.5.~~ [No more than 50% of the vehicles for sale may be between the building and any public road.](#)

F.H. AUTOMOTIVE PAINTING/BODY SHOP

Automobile painting/body shop uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center.
 2. Vehicles shall not be parked or stored as a source of parts.
 3. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.
 4. [New construction shall conform to the mixed-use design standards in section 5.3.2.](#)
- ~~3.~~

G.I. AUTOMOTIVE WRECKER YARD

Automotive wrecker service uses shall comply with the following requirements:

1. MOTOR VEHICLES

- a. A maximum of no more than 50 vehicles at any one time shall be stored on the property.
- b. All towed vehicles must be stored in an approved vehicle towing and storage area.

2. VEHICLE STORAGE AREA

a. SIZE

The minimum size of the fenced storage area shall be 5,000 square feet.

b. SECURITY

- i. A chain link fence, a minimum of six feet in height, shall be provided around all accessible sides of the storage area.
- ii. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.

c. SCREENING

ARTICLE 9: MEASUREMENT AND DEFINITIONS

9.4. Definitions

Arbor

DEFINITIONS

ARBOR	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARBORETUM OR FORMAL GARDEN	A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.
ARCADE	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
ARCH OR ARCHWAY	A curved, semicircular opening in a wall.
AREA OF SHALLOW FLOODING	A designated AO or VO Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
AREA OF SPECIAL FLOOD HAZARD	The land in the floodplain within a community subject to a 1% or greater chance of being equaled or exceeded in any given year.
ART INSTALLATION	Three-dimensional art (such as sculpture, painting, or other physical form of expression) that is created, constructed, and installed on the site where it is displayed for the purposes of expressing an idea, feeling, or desire to evoke a reaction from the viewer.
<u>ART GALLERY</u>	<u>A space or series of spaces dedicated towards the display, exhibition, and sale of works of art.</u>
ARTERIAL STREET	See "Street, Arterial."
ARTICULATION	The presence or projections, recesses, or other architectural features along a building façade.
<u>ARTISAN STUDIO</u>	<u>A space dedicated towards the production and sale of works of art. This may include mixed or various media including but not limited to paint, wood, wax, metal, paper, plastic, film, or similar materials.</u>
AS-BUILT PLANS	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
ASPHALT OR CONCRETE PLANT	An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.
ASSISTED LIVING FACILITY	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.
AUCTION HOUSE	A commercial establishment engaged in the re-sale of objects, artifacts, or products. Such uses may also include facilities for storage and shipping.
AUDITORIUM	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
AUTHORIZED AGENT	A person with express written legal consent to act upon another's behalf.
AUTOMATED TELLER MACHINE	An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial



A Stroke of Genius. Paint, Canvas & Wine Studio (Waukesha Wisconsin)



Old Town Artisan Studios (La Quinta, CA)



The Corner & Artisan Market (Flemington PA)



Alan Cottrill Sculpture Studio & Gallery (Zanesville OH)



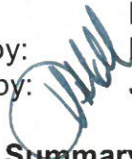
Etta + Billie Soap Talks (San Francisco CA)



Bailey Builds (Duluth MN)

STAFF REPORT
TEXT AMENDMENT TA-2022-1-C
NEW USE REGULATIONS
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Topic: TA-2022-1-C NEW USE REGULATIONS

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider amending the Unified Development Ordinance to establish Pawn Shops and Vape, Tobacco, CBD Shops as uses, and establish regulations pertaining to location and operation.

Background:

Within the past 24 months, two new vape and tobacco shops and a CBD shop has opened in downtown. This along with an existing pawn shop and interest in an additional one has raised the awareness of how these businesses are currently classified and regulated. Currently they fall under a retail use classification and are absent of additional regulations. However, concentrations of particular uses have been shown to have a negative perception as well as real economic impact on the surrounding areas when they are located within close proximity of each other.

Discussion:

The discussion before the Board is whether they want to apply additional regulations to the use types of Pawn Shops and Vape, Tobacco, and CBD Shops.

Policy Analysis:

Section 3.5.3.A of the Unified Development Ordinance notes that uses should energize pedestrian activity and operate as civic gathering spaces and cultural attractions. Pawn Shops or Vape, Tobacco, and CBD shops work against that principal when concentrated in closed proximity to each other. Furthermore, the proposed text amendment is consistent Economic Policy "C" in the Comprehensive Land Use Plan.

Financial Analysis:

When these uses are concentrated in close proximity to each other, they can have a negative impact on the surrounding property values and hurt the potential for occupancy of nearby businesses. This has a negative economic impact on the Town as vacant businesses reduce pedestrian traffic, reduce business revenue, and increase the cost of code enforcement.

Staff Recommendation:

Staff Recommends the Board of Commissioners and Planning Board accept public comment. Following the public comment, Staff recommends forwarding the topic onto the Planning Board for further discussion, deliberation and recommendation.

Attachments:

1. Table 4.2.3 – Use Table
2. Section 4.3.5 – Pawn Shop Regulations

STAFF REPORT
TEXT AMENDMENT TA-2022-1-C
NEW USE REGULATIONS
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

3. Section 4.3.5 Vape, Tobacco, CBD Regulations
4. Section 9.4 Pawn Shop Definition
5. Section 9.4 Vape, Tobacco, CBD Shop Definition
6. Map of Current Locations in Downtown with 300 Foot Radius.

ARTICLE 4: USES

4.2. Principal Uses

4.2.3. Principal Use Table

TABLE 4.2.3: PRINCIPAL USE TABLE

A=Allowed (if listed in a PD master plan); P=Permitted subject to applicable use-specific standards; S=Requires approval of a special use permit and compliance with applicable use-specific standards; “.”=Prohibited

USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE				USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	PD	
Package and Printing Service	P	P	P	.	S	.	P	P	P	A	
Park and Ride Facility	P	P	P	P	P	P	P	P	P	P	A	
Parking Lot	P	P	P	P	P	P	P	P	P	P	A	4.3.5.HH
Parking Structure	S	S	P	P	P	P	P	P	P	P	A	4.3.5.II
Pawn Shop	P	P	.	.	.	.	P	P	A	4.3.5.JJ
Pharmacy	S	P	P	.	.	.	S	P	P	A	4.3.5.KK
Pool Hall	S	S	.	.	.	.	S	S	A	
Racetrack	S	.	S	.	.	.	.
Recreational Vehicle Park	S	.	.	.	S	.	S	.	.	.	.	4.3.5.LL
Repair Shop	P	P	P	.	.	.	P	P	A	4.3.5.MM
Restaurant Indoor/Outdoor Seating	P	P	P	.	P	.	P	P	P	A	4.3.5.NN
Restaurant with Drive-through/Drive-up Service	P	P	.	P	.	P	.	.	A	4.3.5.NN
Restaurant, Walk-up Only	P	P	P	P	P	P	.	P	P	P	A	4.3.5.NN
Retail, Bulky Item	S	P	P	.	.	.	.	.	A	4.3.5.OO
Retail, Large Format	S	P	P	.	.	.	.	S	A	4.3.5.PP
Retail Use, Other	P	P	P	P	.	.	.	P	P	A	
Self Service Storage, External Access Only	S	P	.	P	.	.	.	A	4.3.5.QQ
Self Service Storage, Internal Access Only	S	S	P	.	P	.	.	P	A	4.3.5.QQ
Shooting Range, Indoor	S	S	.	.	.	.	.	.	4.3.5.RR
Specialty Eating Establishment	P	P	P	.	.	.	S	P	P	A	4.3.5.SS
Tattoo and Piercing Establishment	P	P	.	.	.	.	.	S	A	
Theatre	P	P	P	.	.	.	.	P	P	A	
Truck Stop	P	P	.	P	.	.	.	.	4.3.5.TT
Vape, Tobacco, and CBD Shop	P	P	.	.	.	.	P	P	A	4.3.5.UU
Veterinary Clinic	P	P	P	.	.	.	.	P	P	A	4.3.5.VV
INDUSTRIAL USE CLASSIFICATION																
Asphalt or Concrete Plant	S	.	S	.	.	.	.	4.3.6.A

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

- c. Parking structure façades facing residential lots shall:
 - i. Be enclosed to prevent light spillover from headlights, adverse noise, or pollutants; and
 - ii. Incorporate architectural design elements, including surface treatments, offset planes, structural articulation, and landscaping to provide visual interest and compatibility with adjacent residential uses.

4. DRAINAGE

Parking structures shall be designed and constructed so that surface water will not drain over sidewalks or adjacent lots; and

5. LIGHTING

- a. Parking and pedestrian areas shall have adequate illumination for security and safety with a minimum of one foot candle at every point within the parking structure.
- b. Lighting fixtures shall be designed and located to illuminate only the interior of the parking structure and not project glare into adjoining land.

JJ. PAWN SHOPS

Pawn Shops shall comply with the following requirements:

1. SEPARATION

- a. No use subject to these standards shall locate within 300 feet of any of the following use types:
 - i. Pawn Shop;
 - ii. Vape Tobacco, & CBD Shop;
 - iii. Elementary, middle, or high school;
 - iv. Religious institution;
 - v. Child day care center;
 - vi. Parks;
 - vii. Adult business;
 - viii. Nightclub or dancehall; or
 - ix. Pool hall.
- b. There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

2. BUILDING APPEARANCE:

Buildings containing such uses shall meet the following requirements:

- a. No illuminated signs shall be within 36 inches of the surface of a window.
- b. Metal gates or similar elements are not permitted in front of or behind windows.
- c. Exterior building modifications, including paint colors, shall be approved by the Planning Director and shall be in keeping with the context of the surrounding buildings.

HH.KK. PHARMACY

A pharmacy may be permitted as an accessory to a health care use or medical office in the OI district, provided:

1. The pharmacy is on the ground floor and does not occupy more than 50 percent of the ground floor square footage; and
2. The pharmacy be limited to sales of drugs, prescription medicines, medicinal supplies and appliances, and pharmaceutical products.

II.LL. RECREATIONAL VEHICLE PARK

Recreational vehicle and travel trailer parks shall comply with the following standards:

1. MINIMUM SITE AREA

The park shall have a minimum area of two acres of well-drained land. All areas of the premises shall be kept clean and free from weeds and undergrowth.

2. MINIMUM CAMPSITE AREA

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

Truck stops shall have frontage on or be located within a one-half mile of an Interstate or US Primary Highway exit.

UU. VAPE, TOBACCO, & CBD SHOP

Vape Tobacco & CBD shops shall comply with the following requirements:

1. SEPARATION

a. No use subject to these standards shall locate within 300 feet of any of the following use types:

- i. Pawn Shop;
- ii. Vape Tobacco, & CBD Shop;
- iii. Elementary, middle, or high school;
- iv. Religious institution;
- v. Child day care center;
- vi. Parks;
- vii. Adult business;
- viii. Nightclub or dancehall; or
- ix. Pool hall.

b. There shall not be more than one use subject to these standards on the same property or in the same building, structure, or portion thereof.

2. BUILDING APPEARANCE:

Buildings containing such uses shall meet the following requirements:

- a. No illuminated signs shall be within 36 inches of the surface of a window.
- b. Metal gates or similar elements are not permitted in front of or behind windows.
- c. Exterior building modifications, including paint colors, shall be approved by the Planning Director and shall be in keeping with the context of the surrounding buildings.

RR-VV. VETERINARY CLINIC

Veterinary clinics shall comply with the following requirements:

- 1. All structures shall be designed and maintained in a manner to prevent the development of unsanitary conditions;
- 2. All activities associated shall take place within enclosed and soundproofed structures, or the use shall comply with the following separation requirements:
 - a. All activities shall be at least 200 linear feet from a lot in a residential or OI zoning district;
 - b. All activities shall be at least 100 linear feet from land zoned NC; and
 - c. Outdoor areas used to house or exercise animals shall be enclosed by a fence at least six feet in height.

ARTICLE 9: MEASUREMENT AND DEFINITIONS

9.4. Definitions

Parking Space

DEFINITIONS

PARKING SPACE	A location where an automobile or passenger truck is temporarily stored.
PARKING SPACE, REVERSE ANGLE	On-street parking spaces configured at an angle to the direction of travel for the street where located. Vehicles back into reverse angle parking spaces.
PARKING STRUCTURE	A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.
PARKING STRUCTURE	A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.
PARKING STUDY	An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
PASSENGER TERMINAL	A facility that receives and discharges passengers and at which facilities and equipment required for their operation are provided. Examples include terminals for bus, trolley, taxi, railroad, shuttle van, or other similar vehicular services.
PASSIVE OPEN SPACE SET-ASIDE	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
<u>PAWN SHOP</u>	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This shall not include specific item businesses such as book stores, music stores, or similar retail establishments.
PEAK HOUR TRIPS	As used in Section 6.13, Transportation Impact Analysis, the number of traffic units generated by and attracted to the proposed development during its heaviest hour of use.
PEDESTRIAN LIGHTING	Exterior lighting scaled to pedestrians.
PEDESTRIAN WALKWAY	An on-site pedestrian access way connecting building entrances, parking areas, and the larger sidewalk network around the site.
PEDIMENT	The triangular upper part of the front of a building in classical style, typically surmounting a portico of columns.
PENALTY	Punishment for violation of a law or rule.
PENNANT	A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
PERFORMANCE GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or required public site feature prior to issuance of a building permit or other development approval.
PERIMETER BUFFER	See "Buffer, Perimeter."
PERIMETER PARKING LOT LANDSCAPING	Required landscaping located around the perimeter of a parking lot.
PERSON	Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
PERSON CONDUCTING LAND-DISTURBING ACTIVITY	Any person who may be held responsible for violation of any regulations governing land-disturbing activity, unless expressly provided otherwise.
PERSONAL PROPERTY	All forms of property, except real property.
PERVIOUS	A substance that allows water to pass through it.

ARTICLE 9: MEASUREMENT AND DEFINITIONS

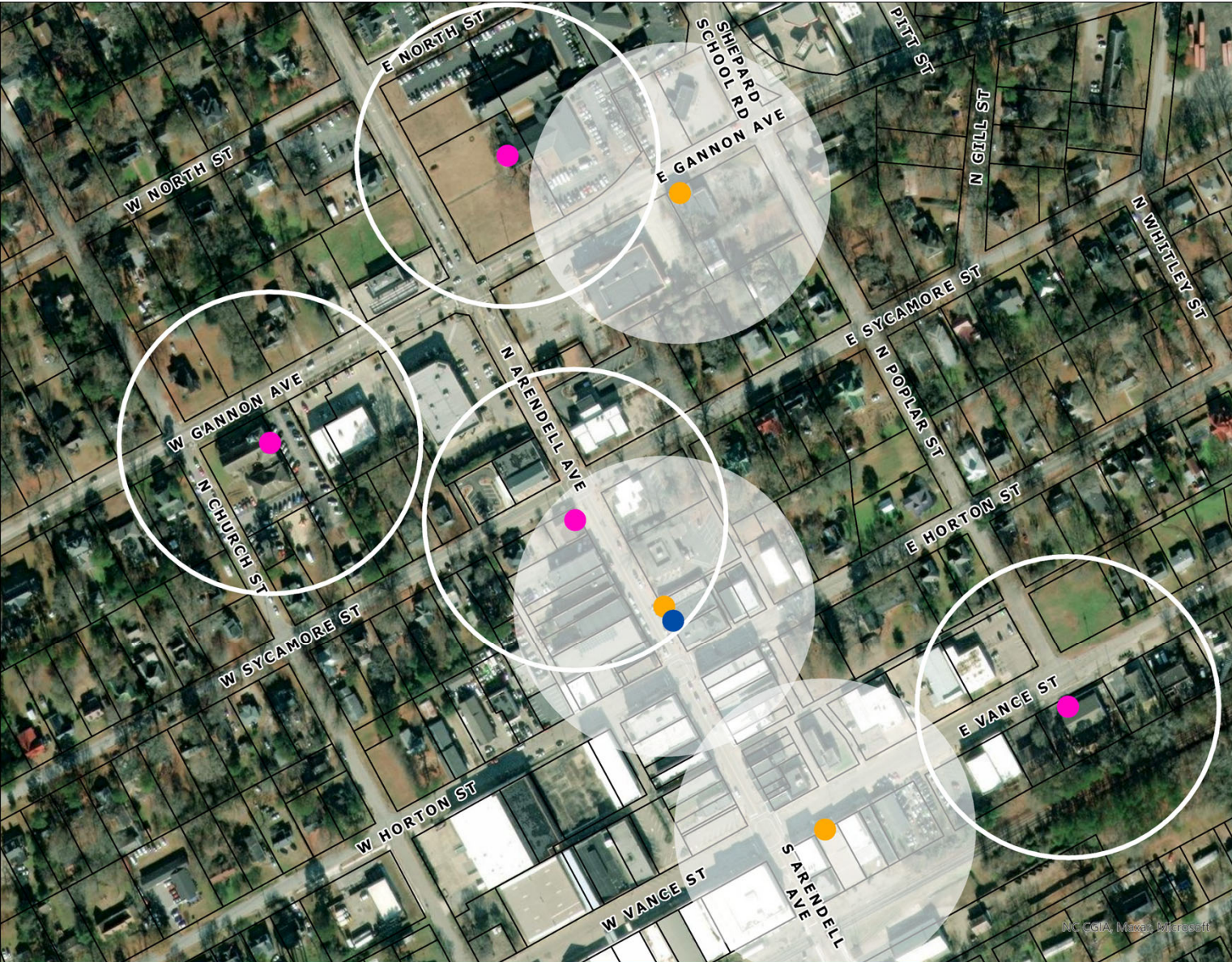
DEFINITIONS

UPPER-STORY RESIDENTIAL	Multi-family residential dwelling units located on the second or higher floors of a building with some form of nonresidential use on the first or ground floor. Dwelling units may be configured as apartments or condominiums.
URBAN FOREST	A densely wooded area located in a city or town.
URBAN HEAT ISLAND	A portion of an urban or metropolitan area that is significantly warmer than its surroundings due to additional paving, building mass, and lack of shade. The temperature difference usually is larger at night than during the day, and is most apparent when winds are weak.
URBAN OPEN SPACE SET-ASIDE	A private common open space area located within an urban or higher density area that is intended to facilitate gathering of people, such as an outdoor dining area, plaza, or atrium.
URGENT CARE FACILITY	A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require an hospital emergency department.
USABLE OPEN SPACE	A parcel or parcels of land or an area of water as a combination of both land and water and designed for the recreational use and enjoyment of residents of the proposed development, not including streets or off-street parking areas. Not more than one half of the required usable open space may be areas covered by water. Usable open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of residents. A maximum of five percent of the area designated as usable open space may be covered by structures clearly ancillary to the recreational use of the space. Except for such structures, all usable open space shall be unobstructed except for plants, lawn furniture, swimming pools, terraces, walkways, play equipment, etc., so arranged to provide for the free movement of the people within the space. No portion of any such usable open space shall be located in any required yard area adjacent to a public street. Parking areas, vehicle drives and storage areas shall not be included in the calculation of usable open space.
USE	The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.
UTILITY POLE	A structure that is designed for and used to carry cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless telecommunication services that is located outside the public right-of-way.
UTILITY POLE, PUBLIC	A utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
UTILITY, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas city gates, and solid waste facilities.
UTILITY, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.

V

<u>VAPE, TOBACCO, AND CBD SHOP</u>	A retail establishment primarily dedicated towards the sale of tobacco, tobacco related products, vaping related products, cannabis products or cannabis related products or similar inhaled products and devices.
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TA-2022-01-C Attachment 6




ZEBULON
NORTH CAROLINA

- Pawn Shop
- Vape, Tobacco, CBD Shop
- Churches/Preschools
- 300 ft Radius

STAFF REPORT
TEXT AMENDMENT TA-2022-1-D
AUTO-ORIENTED DESIGN REGULATIONS
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Topic: TA-2022-1-D AUTO-ORIENTED DESIGN REGULATIONS

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider amending the Unified Development Ordinance to establish design regulations pertaining to auto-oriented uses.

Background:

The Town has seen an increased interest in uses that have an auto-oriented design such as drive-throughs, auto repair facilities, oil change businesses, or similar uses that have garage doors for vehicles to enter the buildings. The current regulations have limited direction on the orientation or design of these structures.

Discussion:

The discussion before the Board is to review the proposed text amendments that would establish regulations pertaining to the design and configuration of auto-oriented uses.

Policy Analysis:

The proposed text amendments are consistent with the examples provided in Section 3.4.3.F, and Section 3.4.4.D of the Unified Development Ordinance. Furthermore, they are consistent with, Economic Goal #5, the Economic Regulations and Standards Action 1, and Regulations and Standards Action Item 1 and 2 of the Comprehensive Land Use Plan.

Financial Analysis:

Based on review of other municipalities, the property values associated with enhanced architectural design that allowed for future adaptive reuse of auto-oriented uses have been higher than those without. Furthermore, the period of vacancy if these businesses went out was lower due to the ability to adapt the buildings to new uses.

Staff Recommendation:

Recommends the Board of Commissioners and Planning Board accept public comment. Following the public comment, Staff recommends the Board of Commissioners forward this topic to the Planning Board for further discussion and deliberation, and recommendation.

Attachments:

1. Section 4.3.5 – Amendments to Several Uses
2. Section 5.3.1.F.12 – Design Standards
3. Example Photos

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

4. Measures shall be taken to minimize any potential noise, vibration, smell, or similar impacts onto neighboring buildings, lots, or uses.

D.F. AUTOMOTIVE REPAIR AND SERVICING (WITHOUT PAINTING/BODYWORK)

When proposed in the NC, GC, or HC districts, automobile repair and servicing uses shall comply with the following:

1. If the property abuts a lot in a residential zoning district, the following requirements shall be met:
 - a. A Type A perimeter buffer shall be provided along any lot line abutting a residential zoning district.
 - b. Side yards abutting a lot in a residential zoning shall be at least ten feet in width.
 - c. Side yards abutting a lot in a residential zoning shall be at least 20 feet in width.
- ~~d.~~-2. New construction shall conform to the mixed-use design standards in section 5.3.2.

E.G. AUTOMOTIVE SALES OR RENTALS

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

1. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
2. No vehicles or other similar items shall be displayed on the top of a building;
3. All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
4. Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.
- ~~4.5.~~ No more than 50% of the vehicles for sale may be between the building and any public road.

F.H. AUTOMOTIVE PAINTING/BODY SHOP

Automobile painting/body shop uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center.
2. Vehicles shall not be parked or stored as a source of parts.
3. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.
4. New construction shall conform to the mixed-use design standards in section 5.3.2.
- ~~3.~~

G.I. AUTOMOTIVE WRECKER YARD

Automotive wrecker service uses shall comply with the following requirements:

1. MOTOR VEHICLES

- a. A maximum of no more than 50 vehicles at any one time shall be stored on the property.
- b. All towed vehicles must be stored in an approved vehicle towing and storage area.

2. VEHICLE STORAGE AREA**a. SIZE**

The minimum size of the fenced storage area shall be 5,000 square feet.

b. SECURITY

- i. A chain link fence, a minimum of six feet in height, shall be provided around all accessible sides of the storage area.
- ii. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.

c. SCREENING

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

4. [Measures shall be taken to minimize any potential noise, vibration, smell, or similar impacts onto neighboring buildings, lots, or uses.](#)

D.F. AUTOMOTIVE REPAIR AND SERVICING (WITHOUT PAINTING/BODYWORK)

When proposed in the NC, [GC, or HC](#) districts, automobile repair and servicing uses shall comply with the following:

1. If the property abuts a lot in a residential zoning district, the following requirements shall be met:
 - a. A Type A perimeter buffer shall be provided along any lot line abutting a residential zoning district.
 - b. Side yards abutting a lot in a residential zoning shall be at least ten feet in width.
 - c. Side yards abutting a lot in a residential zoning shall be at least 20 feet in width.
- ~~d.~~-2. [New construction shall conform to the mixed-use design standards in section 5.3.2.](#)

E.G. AUTOMOTIVE SALES OR RENTALS

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

1. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
2. No vehicles or other similar items shall be displayed on the top of a building;
3. All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
4. [Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.](#)
- 4.5. [No more than 50% of the vehicles for sale may be between the building and any public road.](#)

F.H. AUTOMOTIVE PAINTING/BODY SHOP

Automobile painting/body shop uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center.
2. Vehicles shall not be parked or stored as a source of parts.
3. [Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.](#)
4. [New construction shall conform to the mixed-use design standards in section 5.3.2.](#)
- ~~3.~~

G.I. AUTOMOTIVE WRECKER YARD

Automotive wrecker service uses shall comply with the following requirements:

1. MOTOR VEHICLES

- a. A maximum of no more than 50 vehicles at any one time shall be stored on the property.
- b. All towed vehicles must be stored in an approved vehicle towing and storage area.

2. VEHICLE STORAGE AREA

a. SIZE

The minimum size of the fenced storage area shall be 5,000 square feet.

b. SECURITY

- i. A chain link fence, a minimum of six feet in height, shall be provided around all accessible sides of the storage area.
- ii. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.

c. SCREENING

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

Event venue uses shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests to do not inadvertently trespass on adjacent lots.

9. EMERGENCY ACCESS

Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.

R.T. FINANCIAL SERVICES ESTABLISHMENT

1. Drive-throughs, if provided, shall be located to the side or rear of the building to the maximum extent practicable.
2. [New construction of drive-through financial services establishment shall conform to the mixed-use design standards in section 5.3.2.](#)

S.U. FLEA MARKET

Flea markets shall comply with the following standards:

1. HOURS OF OPERATION

- a. Flea markets shall be open at least three days within any 90-day period.
- b. Hours of operation shall be limited to 7:00 AM to 7:00 PM.

2. SITE FEATURES

- a. Off street parking shall be provided with a minimum of three spaces per stand or rented space.
- b. Sanitary facilities shall be provided for both men and women.
- c. Provisions shall be made for garbage or trash removal for each day the flea market is open to the public.

3. LOCATION

All rental spaces and buildings shall maintain a 50-foot setback from all residential development or residentially-zoned land.

T.V. FUNERAL-RELATED SERVICES

Funeral-related services shall comply with the following standards:

1. Crematories shall not be located within a residential zoning district.
2. All storage shall take place within enclosed buildings.
3. Display of headstones or other memorials shall be fully screened from any lot line shared with a lot in a residential zoning district.

U.W. GAMES OF SKILL

A commercial operation offering games of skill or operated as a similar use shall comply with the following standards:

1. SEPARATION

- a. No use subject to these standards shall locate within one half-mile (2,460 linear feet) feet of the any other use subject to these standards.
- b. No use subject to these standards shall locate within 1,000 feet of any of the following use types:
 - i. Elementary, middle, or high school;
 - ii. Religious institution;
 - iii. Child day care center;
 - iv. Parks;
 - v. Adult business;
 - vi. ABC store;
 - vii. Bar, cocktail lounge, or private club;
 - viii. Nightclub or dancehall; or
 - ix. Pool hall.

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

The minimum campsite area occupied by any travel trailer or recreational vehicle shall be 1,500 square feet with a minimum width of 30 feet.

3. MINIMUM SPACING

A clearance of at least 20 feet shall be maintained between each travel trailer, recreational vehicle, and any building within the park.

4. OPAQUE SCREEN

A continuous opaque screen shall be provided along all park boundaries, except at entrances.

5. INTERIOR DRIVES

- a. All campsites shall abut a paved driveway with a continuous width of 25 feet.
- b. All interior drives shall have unobstructed access to a public street.

6. FIRE PROTECTION STANDARDS

The park shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A.

7. LIMITATION OF STAY

No travel trailer or recreational vehicle shall remain within a park for more than 30 days during any six-month period.

8. SANITARY FACILITIES

Each park shall provide the following bathroom facilities for every eight campsites or fraction thereof:

- a. Male bathrooms to include one commode, one urinal, one lavatory and one shower;
- b. Female bathrooms to include two commodes, one lavatory and one shower; and
- c. All bathrooms shall provide an adequate supply of hot and cold running water.

9. REFUSE FACILITIES

- a. All garbage and refuse shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight-fitting covers.
- b. At least one such receptacle shall be provided and conveniently located for every campsite, except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles.
- c. It shall be the duty of the park operator to ensure that all garbage and refuse is disposed of regularly and in a manner approved by the Wake County Health Director.
- d. No materials that attract or that afford harborage for insects or rodents may be stored or allowed to remain on the premises.

~~JJ.MM.~~ **REPAIR SHOP**

1. All repair uses shall limit repair activities to those occurring indoors.
2. Gun repair shops may include testing facility for firearms, provided:
 - a. The facilities are constructed in accordance with all applicable laws and regulations;
 - b. The facilities include acoustical apparatus and/or materials that prevent any noise or disturbance to the owners and/or occupants of the adjoining properties; and
 - c. The facilities are not used as a shooting range for target practice or the testing of marksmanship skills.

~~KK.NN.~~ **RESTAURANTS**

All restaurant use types shall comply with the following requirements:

1. A restaurant shall have a six-foot high opaque fence or masonry wall along all lot lines abutting a residential district.
- ~~1.2.~~ [New construction of drive-through restaurants shall conform to the mixed-use design standards in section 5.3.2.](#)
- ~~2.3.~~ Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

ARTICLE 5: DEVELOPMENT STANDARDS

5.3. Design Standards

5.3.1. Commercial Design Standards

- v. The canopy shall be subject to maximum height standards for buildings in the zoning district where located; and
- vi. The canopy shall comply with the standards in Section 5.4, Exterior Lighting.

12. VEHICLE ACCESS DESIGN

Development composed of buildings that provide vehicle access into the building or with drive-throughs shall be subject to the following requirements:

- a. Garage doors and service bays shall be positioned away from any public right-of-way and be screened from adjacent properties with an opaque vegetative screen.
- b. Buildings with drive-through windows and ordering boards, or buildings with service bay garage doors shall be designed to meet the mixed-use building design standards.

~~vi.~~

G. STANDARDS FOR LARGE FORMAT RETAIL USES

The following standards shall apply to large format retail uses.

1. LARGE FORMAT RETAIL USES DISTINGUISHED

Large format retail uses are commercial use types (see Table 4.2.3, Principal Use Table) in buildings that are:

- a. More than 50,000 square feet gross floor area on the ground floor for a single tenant;
- b. More than 150,000 square feet on the ground floor serving multiple tenants, including outparcels.

2. COMPLIANCE WITH COMMERCIAL DESIGN REQUIREMENTS

Large format retail uses shall comply with the following commercial design standards:

- a. Section 5.3.1.F.1, Street Network;
- b. Section 5.3.1.F.3, Building Address Numbers;
- c. Section 5.3.1.F.4, Building Articulation;
- d. Section 5.3.1.F.5, Materials and Colors;
- e. Section 5.3.1.F.6, Roof Form;
- f. Section 5.3.1.F.8, Awnings;
- g. Section 5.3.1.F.9, Outparcels;
- h. Section 5.3.1.F.10, Multi-building Development; and
- i. Section 5.3.1.F.11, Site Features, except off-street parking location.

3. ADDITIONAL STANDARDS FOR LARGE FORMAT RETAIL USES**a. CUSTOMER ENTRANCES**

Large format retail establishments shall comply with the standards in Section 5.3.1.F.2, Customer Entrances, except that primary entrances shall include four of the listed options instead of three.

b. FENESTRATION

Building walls on large format retail uses shall incorporate fenestration features in accordance with the following standards (see Figure 5.3.1.G.3.b: Large Retail Building Fenestration):

i. Primary Building Walls

Primary building walls shall be configured so that:

- 1. At least 10 percent of the first floor portion of the primary wall is occupied by visually transparent windows or doors; and
- 2. No more than 50 percent of any single window or door is obstructed by a window sign or other opaque display.

ii. Secondary Building Walls


Secondary building walls shall be configured so that at least 5 percent of the ground floor façade is occupied by:

- 1. Visually transparent windows or doors;
- 2. False or opaque windows;



STAFF REPORT
TEXT AMENDMENT TA-2022-1-E
UDO CORRECTIONS
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Topic: TA-2022-1-E UDO CORRECTIONS

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider text amendments to resolve conflicts in the Unified Development Ordinance (UDO).

Background:

These text amendments propose corrections to the Unified Development Ordinance:

- Reduce Street Setback for Light Industrial (3.4.5).
- Reduce Street Setback for Campus Industrial (3.4.6).
- Reduce Street Setback for Heavy Industrial (3.4.7).
- Remove Boarding/Rooming House, Duplex Dwelling, Family Care Home, Single Family Attached and Detached, Triplex/Quadplex from DTC District (4.2.3).
- Additional Standards on Vehicle Location (4.3.5.G).
- Access exemptions (5.1.3).
- Lot access (5.1.4).
- Commercial Design Standards (5.3.1).
- Mixed-Use Design Standards (5.3.2).
- Multi-Family Residential Design Standards (5.3.3).
- Single-Family Dwelling Parking Standards (Table 5.8.4.H).
- Location of guest parking standards (5.8.7).
- Best Management Practices (BMP) and Major Variances (Watershed) (9.4).

Discussion:

The discussion before the Board is to receive input, and provide comment upon, the proposed text amendments.

Policy Analysis:

Sections 3.4.5, 3.4.6, and 3.4.7: Amendments reducing the setback from 50-feet to 25-feet in Industrial Zoning Districts are consistent with the Comprehensive Land Use Plan (Economic Development Policy C), and the spirit and intent of the UDO (Section 3.4.1).

Section 4.2.3: Amendments to limit the residential uses in the Downtown Core Zoning District are consistent with the Comprehensive Land Use Plan (Economic Development Policy C), and the spirit and intent of the UDO (Section 3.5.3.A).

Section 4.3.5.G: Amendments updating vehicle location standards are consistent with the Comprehensive Land Use Plan (Economic Development Policy C), and the spirit and intent of the UDO (Section 3.4.1).

STAFF REPORT
TEXT AMENDMENT TA-2022-1-E
UDO CORRECTIONS
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Section 5.1.3 and 5.1.4: Amendments to vehicle access regulations are consistent with the Comprehensive Land Use Plan (Parks and Recreation Policy O) and the UDO (Sections 4.3.3.M, O, and P).

Section 5.3.1: Applicability of design standards are consistent with the Comprehensive Land Use Plan (Economic Development Policy C) and the spirit and intent of the UDO (Section 3.4.1).

Section 5.3.2 and 5.3.3: Applicability of design standards in Downtown Core Zoning District are consistent with the Comprehensive Land Use Plan (Economic Development Policy C), and the spirit and intent of the UDO (Section 3.5.1).

Table 5.8.4.H and Section 5.8.7: Amendments to guest parking regulations are consistent with the Comprehensive Land Use Plan (Recreation Amenities Policy O), and the spirit and intent of the UDO (Section 5.8.1 and 5.8.7.A).

Section 9.4: Amendments correcting spelling errors for the definitions of Best Management Practices (BMP) and Major Variance (Watershed) are consistent with the Comprehensive Land Use Plan (Land Use and Development Regulations and Standards Action 1), and with the spirit and intent of the UDO (Section 1.6.2.C).

Financial Analysis:

The proposed amendments reduce costs incurred from interpretations and appeals.

Staff Recommendation:

Staff Recommends the Board of Commissioners and Planning Board accept public comment then forwarding to the Planning Board for further discussion and deliberation.

Attachments:

1. Section 3.4.5 (Reduce Street Setback for Light Industrial)
2. Section 3.4.6 (Reduce Street Setback for Campus Industrial)
3. Section 3.4.7 (Reduce Street Setback for Heavy Industrial)
4. Section 4.2.3 (Uses removed from DTC – Boarding/ Rooming House, Duplex Dwelling, Family Care Home, Single Family Attached, Single family Detached, Triplex/Quadplex).
5. Section 4.3.5.G (Update Additional Standards – (Vehicle Location Standards)).
6. Section 5.1.3 (Corrections on access exemptions)
7. Section 5.1.4 (Correction regarding lot access)
8. Section 5.3.1 (Correction of applicability for Commercial Design Standards)
9. Section 5.3.2 (Correction of Mixed-Use Design Standards)
10. Section 5.3.3 (Correction of Multi-Family Residential Design Standards)
11. Table 5.8.4.H (Correction of Single-Family Dwelling Parking Standards)
12. Section 5.8.7 (Correction to clarify location of guest parking standards)
13. Section 9.4 (Definitions of Best Management Practices (BMP) and Major Variance (Watershed))

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.5 Light Industrial (LI) District

3.4.5. LIGHT INDUSTRIAL (LI) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
------------------------------	-------------------------------

The Light Industrial (LI) district is established to accommodate agricultural and light manufacturing uses, including assembly, fabrication, processing, distribution, storage, and wholesales sale of finished or semi-finished products from previously prepared materials. The district also allows commercial activities intended to serve the primary businesses in the district and their employees. Uses allowed in the district do not require large amounts of land or large building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities. Activities take place almost entirely indoors and result in minimal exterior movement of vehicles, materials, and goods in areas around the district. Buildings are situated so as to have minimal visual impacts, and are well-screened from adjacent lower intensity uses. Heavy industrial uses and uses with significant adverse impacts on adjoining lands, single-family detached homes, and other low-intensity uses are prohibited.



C. DISTRICT DIMENSIONAL STANDARDS		
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STANDARD	REQUIREMENT	
	NON-RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT
Minimum Residential Density (units/acre)	N/A	3
Minimum Lot Area (square feet)	30,000	6,000/unit for residential; all others 30,000
Minimum Lot Width (linear feet)	150	150
Maximum Lot Coverage (% of lot area)	65	75
Minimum Street Setback (feet)	50 25	40 20
Minimum Side Setback (feet)	20	20
Minimum Rear Setback (feet)	25	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25

D. DEVELOPMENT EXAMPLES



E. DISTRICT-SPECIFIC STANDARDS

ARTICLE 3: DISTRICTS

3.4.6. CAMPUS INDUSTRIAL (CI) DISTRICT

A. DISTRICT CHARACTER **B. EXAMPLE LOT PATTERN**

The Campus Industrial (CI) district is established to accommodate modern, technologically-based, clean industrial development that takes place in highly controlled environments. Buildings and site activities are organized into a campus format, where off-street parking and services are centrally located to the site and serve two or more different structures. Operations within the buildings typically include bio-engineering, pharmaceuticals, precision fabrication and assembly, light manufacturing, research and development, offices, and related activities. Processing, materials storage, and service areas take place within enclosed buildings or are screened from view. Live/work structures and upper story residential uses are allowed. The district does not allow heavy industrial or retail, except as accessory uses. Land or structures may not be used for any purpose that causes noxious or offensive odors, gas fumes, smoke, dust, vibration, or noise that substantially interferes with other nearby uses.



C. DISTRICT DIMENSIONAL STANDARDS

STANDARD	REQUIREMENT	
	NON-RESIDENTIAL DEVELOPMENT	MIXED-USE DEVELOPMENT
Minimum Residential Density (units/acre)	N/A	3
Minimum Lot Area (square feet)	40,000	6,000/unit for residential; all others 40,000
Minimum Lot Width (linear feet)	150	150
Maximum Lot Coverage (% of lot area)	65	75
Minimum Street Setback (feet)	50 25	40 20
Minimum Side Setback (feet)	20	20
Minimum Rear Setback (feet)	25	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height	
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25	25

D. DEVELOPMENT EXAMPLES





E. DISTRICT-SPECIFIC STANDARDS

ARTICLE 3: DISTRICTS

3.4. General Commercial Zoning Districts

3.4.7 Heavy Industrial (HI) District

3.4.7. HEAVY INDUSTRIAL (HI) DISTRICT

A. DISTRICT CHARACTER	B. EXAMPLE LOT PATTERN
<p>The Heavy Industrial (HI) district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, and research and development. It is typically located in areas with good access to surface transportation by trucks and rail. Development takes place on larger lots and is often enclosed by security fencing. The district accommodates large-scale industrial uses including outdoor operations or storage with extensive movement of vehicles, materials, and goods, truck traffic and greater potential for adverse environmental and visual impacts on neighboring lands. The district also allows limited forms of heavier commercial use types but residential development is prohibited (except for caretaker quarters as an accessory use). District standards are intended to prevent the establishment of any use types that would interrupt industrial operations.</p>	
C. DISTRICT DIMENSIONAL STANDARDS	
STANDARD	REQUIREMENT
Minimum Lot Area (square feet)	30,000
Minimum Lot Width (linear feet)	150
Maximum Lot Coverage (% of lot area)	60
Minimum Street Setback (feet)	50 25
Minimum Side Setback (feet)	20
Minimum Rear Setback (feet)	25
Maximum Building Height (feet/stories)	50; height may increase by 2 feet for each additional foot of setback up to 100 feet in height
Minimum Spacing Between Principal Buildings on the Same Lot (feet)	25
D. DEVELOPMENT EXAMPLES	
	
E. DISTRICT-SPECIFIC STANDARDS	
Reserved	

ARTICLE 4: USES

4.2. Principal Uses

4.2.3. Principal Use Table

4.2.3. PRINCIPAL USE TABLE

TABLE 4.2.3: PRINCIPAL USE TABLE

A=Allowed (if listed in a PD master plan); P=Permitted subject to applicable use-specific standards; S=Requires approval of a special use permit and compliance with applicable use-specific standards; “.”=Prohibited

USE TYPE [1]	RESIDENTIAL					COMMERCIAL						MIXED USE				USE-SPECIFIC STANDARDS [2]
	R1	R2	R4	R6	RMF	NC	GC	HC	LI	CI	HI	OI	DTC	DTP	PD	
RESIDENTIAL USE CLASSIFICATION																
Assisted Living Facility	.	.	.	S	S	.	P	.	.	.	.	P	.	P	A	4.3.3.A
Boarding/ Rooming House	.	S	S	S	P	P	.	.	.	.	.	S	P	P	A	4.3.3.B
Bungalow Court	.	P	P	P	P	P	.	.	.	.	.	S	.	P	A	4.3.3.C
Continuing Care Retirement Center	.	.	.	P	P	S	P	.	.	.	.	P	.	P	A	4.3.3.D
Duplex Dwelling	.	S	S	P	P	P	S	.	.	.	.	P	P	P	A	
Family Care Home	P	P	P	P	P	P	P	.	.	.	.	P	P	P	A	4.3.3.E
Group Home	.	.	.	S	S	S	.	.	.	.	.	S	.	S	A	4.3.3.F
Halfway House	.	.	.	S	S	.	.	.	.	.	.	S	.	.	A	4.3.3.G
Live/Work Dwelling	.	.	.	.	P	P	P	P	S	.	.	P	P	P	A	4.3.3.H
Manufactured Dwelling	[3]					.	.	.	.	.	.	[3]	.	.	A	4.3.3.I
Manufactured Dwelling Park	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	4.3.3.J
Mobile Home	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	4.3.3.K
Mobile Home Park	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	4.3.3.L
Multi-family Dwelling	.	.	S	S	P	.	P	.	.	.	.	P	P	P	A	4.3.3.M
Pocket Neighborhood	.	P	P	P	P	P	.	.	.	.	.	P	.	P	A	4.3.3.N
Nursing Home	.	.	S	S	S	S	P	.	.	.	.	P	.	P	A	
Single-family Attached Dwelling	.	.	S	S	P	.	P	.	.	.	.	P	P	P	A	4.3.3.O
Single-family Detached Dwelling	P	P	P	P	P	P	P	.	.	.	.	P	P	P	A	4.3.3.P
Triplex/Quadplex	.	.	S	P	P	P	P	.	.	.	.	P	P	P	A	4.3.3.Q
Upper-story Residential	.	.	.	P	P	P	P	P	P	P	.	P	P	P	A	4.3.3.R
INSTITUTIONAL USE CLASSIFICATION																
Adult Day Care Center	.	.	.	.	S	.	P	P	.	.	.	P	.	S	A	4.3.4.A
Airport & Related Facilities	.	.	.	.	.	.	.	.	S	S	S	.	.	.	A	
Antenna Collocation, Major	S	S	S	S	P	P	P	P	P	P	P	P	P	P	A	4.3.4.B
Antenna Collocation, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	
Arboretum or Formal Garden	P	P	P	P	P	P	P	.	.	.	.	P	P	P	A	
Auditorium	.	.	.	.	.	.	P	P	S	P	.	P	P	P	A	4.3.4.C
Blood/Tissue Collection	.	.	.	.	.	.	.	.	.	.	.	S	.	S	.	
Broadcasting Studio	.	.	.	.	.	.	P	P	P	.	.	.	P	P	A	4.3.4.D

ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

4. Measures shall be taken to minimize any potential noise, vibration, smell, or similar impacts onto neighboring buildings, lots, or uses.

D.F. AUTOMOTIVE REPAIR AND SERVICING (WITHOUT PAINTING/BODYWORK)

When proposed in the NC, GC, or HC districts, automobile repair and servicing uses shall comply with the following:

1. If the property abuts a lot in a residential zoning district, the following requirements shall be met:
 - a. A Type A perimeter buffer shall be provided along any lot line abutting a residential zoning district.
 - b. Side yards abutting a lot in a residential zoning shall be at least ten feet in width.
 - c. Side yards abutting a lot in a residential zoning shall be at least 20 feet in width.
- ~~6.~~ New construction shall conform to the mixed-use design standards in section 5.3.2.

E.G. AUTOMOTIVE SALES OR RENTALS

Uses primarily involving the sales or rental of automobiles, trucks, recreational vehicles, or travel trailers, shall comply with the following standards:

1. Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
2. No vehicles or other similar items shall be displayed on the top of a building;
3. All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
4. Repair and service functions are permitted as an accessory use provided all repair-related activities take place within an enclosed building.
- ~~4.5.~~ No more than 50% of the vehicles for sale may be between the building and any public road.

F.H. AUTOMOTIVE PAINTING/BODY SHOP

Automobile painting/body shop uses shall comply with the following standards:

1. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center.
2. Vehicles shall not be parked or stored as a source of parts.
3. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.
4. New construction shall conform to the mixed-use design standards in section 5.3.2.
- ~~3.~~

G.I. AUTOMOTIVE WRECKER YARD

Automotive wrecker service uses shall comply with the following requirements:

1. MOTOR VEHICLES

- a. A maximum of no more than 50 vehicles at any one time shall be stored on the property.
- b. All towed vehicles must be stored in an approved vehicle towing and storage area.

2. VEHICLE STORAGE AREA**a. SIZE**

The minimum size of the fenced storage area shall be 5,000 square feet.

b. SECURITY

- i. A chain link fence, a minimum of six feet in height, shall be provided around all accessible sides of the storage area.
- ii. All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.

c. SCREENING

5: DEVELOPMENT STANDARDS

5.1. ACCESS AND CIRCULATION

5.1.1. PURPOSE AND INTENT

The purpose of this section is to ensure the safe and efficient movement of vehicles, bicyclists, pedestrians, and deliveries on development sites in the Town's jurisdiction. More specifically, these standards are intended to:

- A. Protect the health and safety of Town residents and visitors;
- B. Ensure pedestrian accessibility is included in site planning;
- C. Protect the safety of motorists, pedestrians, and bicyclists from traffic entering or exiting the street system; and
- D. Encourage alternative forms of transportation.

5.1.2. APPLICABILITY

A. GENERAL

Unless exempted in accordance with [Section 5.1.3, Exemptions](#), or except where otherwise expressly stated, the standards in this section apply to all new development in the Town's jurisdiction.

B. EXISTING DEVELOPMENT

Compliance with these standards shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, or otherwise increased in intensity in an amount equivalent to or beyond 50 percent.

C. CONFLICT

In the event of conflict or overlap with the standards in this section and the standards in [Article 6: Subdivisions](#), the standards in Article 6 shall control.

5.1.3. EXEMPTIONS

The following forms of development are exempted from the standards in this section:

- ~~A.~~ ~~Lots in the PC district;~~
- ~~B.A.~~ ~~Development~~ [Redevelopment](#) consisting of one single-family detached home on its own lot of record (though these standards shall be applied to residential subdivisions proposing more than one lot); and
- ~~C.B.~~ [Redevelopment of an existing](#) ~~Development of a~~ duplex.

5.1.4. ACCESS TO LOTS

Except where authorized in accordance with [Section 5.1.4.B, Alternative Access](#), all development shall comply with the following standards:

A. GENERAL REQUIREMENTS

1. Every lot shall abut or have direct access, via a driveway, to a publicly-maintained street.
- [2.](#) No building or structure shall be constructed or placed on a lot that does not abut or have direct access to a publicly-maintained street.
- ~~2.3.~~ [Access to residential lots shall meet the requirements of Section 4.3 Residential Use Types.](#)
- ~~3.4.~~ Direct access to a publicly-maintained street shall not extend through or across land in a different zoning district than the lot being served by the access (see [Figure 5.1.4.A: Lot Access](#)). This requirement is waived when the land in the different zoning district:
 - a. Is classified as a business or mixed-use district; or
 - b. Allows the use being served by the direct access; or
 - c. Provides the sole means of access for the use.

ARTICLE 5: DEVELOPMENT STANDARDS

5.3. Design Standards

5.3.1. Commercial Design Standards

5.3. DESIGN STANDARDS**5.3.1. COMMERCIAL DESIGN STANDARDS****A. PURPOSE AND INTENT**

These commercial design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing minimum requirements for design and configuration of commercial development within the Town's planning jurisdiction. They are proposed to provide clarity on the Town's expectations for the quality and appearance of new commercial development. More specifically, the purposes of these standards are to:

1. Foster high-quality, attractive commercial development consistent with Town's adopted policy guidance;
2. Assure a fair and consistent application of the commercial design standards to new development and redevelopment;
3. Foster creativity in commercial design and greater compatibility between commercial development and its local surroundings; and
4. Promote property values and protect existing public and private investment.

B. APPLICABILITY

~~These commercial design standards shall apply to new construction of any of the following use types:~~

1. These commercial design standards shall apply to new construction of any Principal-principal structures from all use types listed in the Commercial and Institutional Use Classification section of Table 4.2.3, Principal Use Table.;
- ~~2. Auditoriums;~~
- ~~3. Blood/tissue collection uses;~~
- ~~4. Child day care centers;~~
- ~~5. Community/youth/senior centers;~~
- ~~6. Cultural facilities, libraries, or museums;~~
- ~~7. Government administration/offices;~~
- ~~8. Outpatient treatment facilities;~~
- ~~9. Passenger terminals; and~~
- ~~10. Urgent care uses.~~

C. EXEMPTIONS

The standards in this section shall not apply to the following forms of development:

1. Mixed-uses, which shall instead comply with the standards in Section 5.3.2, Mixed-Use Design Standards;
2. Development located within the ~~DTC~~ and LHO districts;
3. Industrial use types identified in Table 4.2.3, Principal Use Table;
4. Conversion of an existing noncommercial structure to a commercial use where no additional floor area is being added; and
5. Routine maintenance and repairs to existing commercial buildings.

D. TIMING OF REVIEW

Review for compliance with these standards shall take place during review of an associated rezoning, site plan, or special use permit, as appropriate.

E. BUILDING WALLS DISTINGUISHED

1. Exterior building walls on principal buildings subject to these standards shall be distinguished as primary, secondary, and tertiary in accordance with the following standards (see Figure 5.3.1.E: Commercial Building Walls Distinguished):
 - a. Primary walls are the architectural front façade of the building that faces the street from which the building is addressed.

ARTICLE 5: DEVELOPMENT STANDARDS

5.3. Design Standards

5.3.2. Mixed-Use Design Standards

1. New development within the OI district;
- ~~1.2.~~ 1.2. New multi-story development within the DTP district;
- ~~2.3.~~ 2.3. Live/work dwellings;
- ~~3.4.~~ 3.4. Upper story residential; and
- ~~4.5.~~ 4.5. Any development that includes principal use types from the residential and commercial or institutional use classifications in Table 4.2.3, Principal Use Table, within the same building or within the same development site.

C. EXEMPTIONS

These standards shall not be applied to the following forms of development:

- ~~1.~~ 1. ~~Development in the DTC district;~~
- ~~2.1.~~ 2.1. Agriculture-related uses;
- ~~3.2.~~ 3.2. Renovation or redevelopment of existing structures; and
- ~~4.3.~~ 4.3. Mixed-use development established prior to January 1, 2020.

D. TIMING OF REVIEW

Review for compliance with these standards shall take place during review of an associated rezoning, site plan, special use permit, or planned development master plan, as appropriate.

E. DESIGN REQUIREMENTS

Development subject to these standards shall be designed in accordance with the following:

1. STREET NETWORK

In cases where mixed-use development involves the construction of new streets or alleys, the new streets shall be configured in accordance with the following standards:

- a. Streets shall be organized into a grid pattern with block lengths that do not exceed 500 feet.
- b. Streets shall be configured to a design speed of 25 miles per hour.
- c. Streets shall include traffic-calming features such as roundabouts, raised pedestrian crossings, bulb-outs, speed tables, raised medians, and chicanes, but excluding speed bumps, which shall not be included.
- d. Streets shall include well-defined ADA-compliant crosswalks and small turning radii at intersections.
- e. Streets shall include bicycle lanes in accordance with NCDOT standards.
- f. Streets shall include sidewalks configured in accordance with Section 6.4, Sidewalks.
- g. Mid-block alleys shall be included to facilitate off-street parking and to accommodate service functions.
- h. Cul-de-sacs and dead-end streets are prohibited, except where topography or natural features make them necessary.

2. BUILDING ORIENTATION**a. SINGLE BUILDING DEVELOPMENT**

New development consisting of a single building shall be oriented such that the long axis of the building is either parallel or perpendicular to the street right-of-way it faces.

b. MULTIPLE BUILDING DEVELOPMENT

Development comprised of multiple buildings shall be configured with two or more of the following design elements (see Figure 5.3.2.E.2.b: Multiple Building Development):

- i. Site configuration as a series of smaller "blocks" defined by buildings fronting on-site streets and internal vehicle accessways, utilizing pedestrian oriented design such as walkways, or other circulation routes and multi-modal transportation access/waiting areas when appropriate;
- ii. Corner buildings designed to front both sides of an adjacent street intersection or entry point to the development in an "L" configuration;
- iii. Buildings facing each other across a relatively narrow vehicular access area with pedestrian amenities in a "main street" character;

ARTICLE 5: DEVELOPMENT STANDARDS

5.3. Design Standards

5.3.3. Multi-Family Residential Design Standards

C. EXEMPTIONS

The following forms of development shall be exempted from these standards:

~~1.~~ ~~Development in the DTC district;~~

~~2.~~1. Single-family attached development, unless subject to voluntary consent by the landowner in accordance with subsection (2) above or subject to conditions of approval incorporated in a conditional rezoning approval;

~~3.~~2. Duplex dwellings;

~~4.~~3. Renovation or redevelopment of existing structures; and

~~5.~~4. Routine maintenance and repairs.

D. TIMING OF REVIEW

Review for compliance with these standards shall take place during review of an associated rezoning, site plan, special use permit, or planned development, as appropriate.

E. DESIGN REQUIREMENTS

Development subject to these standards shall be designed in accordance with the following:

1. STREET NETWORK

- a. On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.
- b. Vehicular driveways into a development with 10 or more dwelling units shall be at least 100 feet away from any major intersection, to the maximum extent practicable.
- c. Driveways shall be consolidated in order to reduce curb cuts, to the maximum extent practicable.

2. BUILDING ORIENTATION

- a. Buildings that abut streets shall be oriented parallel to the street they front rather than being oriented at an angle to the street.
- b. On corner lots, the long axis of the building shall be parallel to the longest lot frontage unless such orientation is incompatible with adjacent, existing development along the same street (see [Figure 5.3.3.E.2: Multi-family Building Orientation](#)).
- c. Buildings within multiple-building developments shall be clustered in order to define open space recreation areas and development entry points.

ARTICLE 5: DEVELOPMENT STANDARDS

5.8. Parking and Loading

5.8.4. Off-Street Parking Requirements

3. In no instance shall motor vehicle servicing or repair of a vehicle take place within a required off-street parking space except for washing and emergency service necessary to start the vehicle.

G. DRIVEWAYS USED TO MEET PARKING REQUIREMENTS

1. Driveways may be used to accommodate required off-street parking spaces only for the following uses:
 - a. Boarding/rooming houses;
 - b. Duplex dwellings;
 - c. Cemeteries;
 - d. Family care homes;
 - e. Group homes;
 - f. Live/work dwellings;
 - g. Manufactured dwellings;
 - h. Mobile homes;
 - i. Single-family attached dwellings when located in developments of six or fewer dwellings;
 - j. Single-family detached dwellings, including those in bungalow courts and pocket neighborhoods; and
 - k. Triplex/quadplex dwellings.
2. Driveways shall be of sufficient size to accommodate all the off-street parking spaces required by [Table 5.8.4.H, Minimum Off-Street Parking Requirements Table](#). In no instance shall accommodation of vehicle parking in accordance with this subsection result in parked vehicles protruding into or over street rights-of-way, sidewalks, greenways, required sight distance triangles, areas used for refuse collection, or required landscaping areas.

H. MINIMUM OFF-STREET PARKING REQUIREMENTS TABLE

TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
RESIDENTIAL USE TYPES	
Assisted Living Facility	1 per employee on the largest shift + 0.25 per bed
Boarding/Rooming House	2 + 1 per each rental room
Bungalow Court	1 + 0.25 guest spaces per dwelling unit
Continuing Care Retirement Community	1.5 per every individual dwelling unit + 1 per every employee on the largest shift + per every 200 sf used by the public
Duplex Dwelling	2 per every dwelling unit
Family Care Home	2 + 1 per bedroom
Group Home	2 + 1 per bedroom
Halfway House	2 per bedroom
Live/Work Dwelling	2 + 1 per every 500 sf of non-residential floor area
Manufactured Dwelling	2 per dwelling unit
Manufactured Dwelling Park	2 per every home site
Mobile Home	2 per dwelling unit
Mobile Home Park	2 per every mobile home site
Multi-Family Dwelling	1.5 per every dwelling unit + 0.25 guest spaces per unit
Pocket Neighborhood	1 + 0.25 guest spaces per dwelling unit
Nursing Home	1 per employee on largest shift + 0.25 per bed
Single-Family Attached Dwelling	2 per every dwelling unit + 0.25 guest spaces per unit
Single-Family Detached Dwelling	2 per dwelling unit + 0.25 guest spaces per unit

ARTICLE 5: DEVELOPMENT STANDARDS

5.8. Parking and Loading

5.8.6. Accessible Parking Spaces

H. PEDESTRIAN WALKWAYS

Pedestrian walkways between the principal buildings on a development site and a sidewalk or other pedestrian way (like a greenway trail) shall be provided in accordance with Section 5.1, Access and Circulation.

I. MARKINGS

All parking spaces and lanes in parking lots shall be clearly delineated with paint lines, curbs, or other treatment.

J. CURBS AND WHEEL STOPS

All off-street parking spaces provided in accordance with Table 5.8.4.H, Minimum Off-Street Parking Requirements Table, shall have curbs or wheel stops located so that no part of the parked vehicle extends onto or over a sidewalk, walkway of six feet in width or less, adjacent property, or landscape area, whether the vehicular use area is paved or unpaved.

K. SEPARATION FROM FIRE PROTECTION FACILITIES

1. No required off-street parking space shall be located within 15 feet of a fire hydrant or other fire protection facility.
2. Parking shall not take place within designated fire lanes or other areas demarcated for fire protection.

L. EXTERIOR LIGHTING

1. Exterior lighting in parking lots shall be designed to provide illumination of parking lot areas for the purposes of safe vehicle and pedestrian circulation.
2. Exterior lighting within a parking lot shall be configured to prevent glare or illumination exceeding maximum allowable levels on adjacent land and shall comply with the standards of Section 5.4, Exterior Lighting, as appropriate.

M. LANDSCAPING

Parking lot landscaping shall be provided in accordance with Section 5.6, Landscaping.

5.8.6. ACCESSIBLE PARKING SPACES

Accessible parking spaces for the disabled are required for all forms of development except single-family detached dwellings, and shall meet the following criteria:

A. CONFIGURATION

Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and the North Carolina Building Code.

B. NUMBER PROVIDED

Accessible (handicapped) parking spaces shall be provided in accordance with the North Carolina Building Code requirements.

5.8.7. GUEST PARKING SPACES

- A. Multi-family, single-family attached, and mixed-use development shall provide 0.25 guest parking spaces per residential unit.
- B. New single-family detached residential developments shall provide guest parking spaces at a rate of 0.25 spaces per dwelling. ~~in cases where on-street parking is prohibited and individual off-street parking facilities are only capable of accommodating the minimum number of off-street parking space required for the individual dwelling.~~
- C. In cases when guest parking is provided, it shall be in a central location, well lit, served by pedestrian access, ~~and~~ located no farther than 1,320 feet from the dwelling units it serves, ~~and within a common area, either within the right of way in marked on-street parking spaces on within an HOA controlled area.~~

5.8.8. COMPACT PARKING SPACES

- A. Compact car off-street parking spaces with a minimum width of 8.5 feet and a minimum depth of 18 feet may be provided for up to 30 percent of the minimum parking requirements in Table 5.8.4.H, Minimum Off-Street Parking Requirements Table.

ARTICLE 9: MEASUREMENT AND DEFINITIONS

9.4. Definitions

Berm

DEFINITIONS


BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BEST MANAGEMENT PRACTICE (BMP)	A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
BICYCLE LANE	A portion of a street designated solely for use by bicyclists.
BICYCLE PARKING SPACE	Land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
BIO-RETENTION CELL OR DEVICE	A stormwater infiltration device consisting of an excavated basin that is refilled with engineered soil and mulch that allows stormwater run-off to collect and percolate through the engineered soil where it is treated prior to infiltrating into the surrounding undisturbed soil. Also known as a rain garden or bio-cell.
BLOCK	The land lying within an area bounded on all sides by streets.
BLOCK FACE	The lands abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, railroad right-of-way, watercourse, or un-subdivided land.
BLOOD/TISSUE COLLECTION	A facility where blood or related materials are either withdrawn or collected from patients or assembled after being withdrawn or collected elsewhere from patients for subsequent delivery to a clinical laboratory for examination. A collection facility is maintained at a separate physical location not on the grounds or premises of the main licensed laboratory or institution which performs the testing.
BOARD OF ADJUSTMENT	A quasi-judicial decision-making body responsible for hearing appeals and variance requests in Zebulon, North Carolina.
BOARD OF COMMISSIONERS	The Board of Commissioners of Zebulon, North Carolina.
BOARDING/ROOMING HOUSE	A residential dwelling that offers sleeping rooms for rent by lodgers staying one or more nights. The dwelling contains a single common kitchen and may include other common areas for dining, laundry, and congregating. Boarding houses are not intended as group homes or halfway houses.
BOAT AND MARINE RENTAL, SALES, AND SERVICE	Premises on which new or used boats and other marine vessels are displayed for sale, lease, or rental. On-site repair and service to boats is also provided.
BONA FIDE FARM	Any tract or tracts of land used for farm purposes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in Section 106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under Section 106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: <ol style="list-style-type: none"> 1. A farm sales tax exemption certificate issued by the Department of Revenue. 2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to Section 105-277.3 of the North Carolina General Statutes. 3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return. 4. A forest management plan.

ARTICLE 9: MEASUREMENT AND DEFINITIONS

DEFINITIONS	
LOT, FLAG	An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. Further, in cases where a minimum lot width is prescribed, the arm is less than the presumptive minimum required lot width.
LOT, THROUGH	A lot having frontage on two parallel or approximately parallel streets.
LOTS	For the purposes of the subdivision regulations, a parcel, piece, portion or tract of land separated from other parcels, pieces, portions and tracts of land by description on a subdivision plat or any plat recorded or to be recorded in the office of the Register of Deeds or any description by metes and bounds or other means.
LOUVERS	A set of angled slats or flat strips fixed or hung at regular intervals in a door, shutter, or screen to allow air or light to pass through.
LOWEST ADJACENT GRADE	The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
LOWEST FLOOR	For the purposes of Section 3.8.2, Flood Hazard Overlay (FHO) District: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure constructed of flood resistant materials is designed to automatically allow for entry or exit of flood water in A zones. The definition of Lowest Floor includes: <ul style="list-style-type: none"> (a) The basement (if one exists); (b) The top of the lowest floor in A Zones; (c) The bottom of or lowest structural member in V Zones; (d) The elevated floor of a building (not the ground floor, provided the ground floor is only used for parking, limited storage, or building access and meets other ordinance criteria).
LUMEN	A quantitative unit measuring the amount of light emitted by a light source.
LUMINOUS TUBE LIGHTING	Tubing, whether flexible or rigid, mounted to a building wall or other building feature for the purposes of providing illumination, security, attracting attention, or displaying a message.
M	
MAJOR CHANGE	A significant deviation in an application, proposed development, or portion of a development that impacts the operation, appearance, function, value, or compatibility of proposed development with its surroundings.
MAJOR VARIANCE (WATERSHED)	A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of greater than 10 percent of any of the management requirements. Major variances shall be approved by the North Carolina Environmental Management Commission after initial review and recommendation from the Town of ZebulongZebulon . The Stormwater Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption.
MAKERSPACE	A collaborative workspace that includes shared tools, workspaces, technology, and knowledge in order to assist participants working alone or with collaborators to create and produce ideas, products, and services. Makerspaces can be formed for the purpose of instruction, creation of material for sale, or a combination of the two.

STAFF REPORT
PARKS AND RECREATION IMPACT FEE STUDY
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Topic: PARKS & RECREATION IMPACT FEE STUDY

Speaker: Sheila Long, Parks and Recreation Director
 From: Sheila Long, Parks and Recreation Director
 Michael J. Clark, AICP, CZO, Planning Director
 Prepared by: Sheila Long, Parks and Recreation Director
 Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Board of Commissioners will consider the Parks & Recreation Impact Fee Study and recommended fee.

Background:

Impact fees on new development generate revenue to supplement the funding of park projects related to growth. The Town does not currently charge a Recreation Impact Fee.

Funding growth-related projects and those identified in Comprehensive Parks and Recreation Master Plan will require multiple funding streams (e.g., impact fees, property taxes, Recreation Bond Referendum).

To develop a rational and defensible Recreation Impact Fee, the Town hired TischlerBise as a sub-consultant to the Parks and Recreation Master Plan Development process. TischlerBise is an experienced firm with a focus on fiscal, economic, and planning to understand cost of growth strategies. The study identifies expected growth and calculates the expected impact per new dwelling to maintain Levels of Service to be:

Fee Component	Cost Per Person
Park Land Acquisition	\$596.21
Park Land Development	\$460.09
Park Improvements	\$327.21
Buildings Space	\$900.30
Total Per Person	\$2,283

Development Type	Persons Per Unit	Maximum Proposed Fees	Play Zebulon Recommended Fee
Single Family	2.69	\$6,143	\$3,000
Multi-Family	2.37	\$5,413	\$2,500

Current development impact fees (see fee schedule)	
Transportation Impact Fee	
Single Family Dwelling	\$1,200.54
Townhome	\$612.04
Greenway Impact Fee*	\$500
Recreation In Lieu Fee	\$2500 (Case by Case)
*Recreation Impact Fee includes greenway projects and will replace the Greenway Impact Fee.	

STAFF REPORT
PARKS AND RECREATION IMPACT FEE STUDY
SEPTEMBER 20, 2021
JOINT PUBLIC HEARING

Discussion:

The discussion before the Board is to consider adoption of the Recreation Impact Fee Study and recommended fee.

Policy Analysis:

Adopting this study and establishing an impact fee is consistent with the Town's Strategic Goals: Grow Smart and Small Town Life. Adopting this study is also consistent with policy recommendations in the Play Zebulon: Comprehensive Parks and Recreation Master Plan. The Town has an adopted local act (1989, Chapter 606, House Bill 802) that authorizes the Town to collect such fees.

Financial Analysis:

A Recreation Impact Fee will provide an additional revenue stream to prepare for expected strains on the existing park system by providing additional acreage, facilities, and amenities. Fees collected must be spent in a manner that is to the benefit of the intended dwelling occupants paying the fee.

Staff Recommendation:

Staff recommends the Board of Commissioners and the Planning Board accept public comment. Following public comment, staff recommends the Board of Commissioners forward this topic to the Planning Board for further discussion and deliberation.

Attachments:

1. Recreation Impact Fee Study

Parks and Recreation Impact Fee Study

**Prepared for:
Zebulon, North Carolina**

August 2, 2021



**4701 Sangamore Road
Suite S240
Bethesda, MD
301.320.6900
www.TischlerBise.com**

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EXECUTIVE SUMMARY

The Town of Zebulon retained TischlerBise to prepare a parks and recreation impact fee. Impact fees are collected from new construction and used to construct system improvements needed to accommodate new development. An impact fee represents future development's proportionate share of capital facility needs.

Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies.

GENERAL LEGAL FRAMEWORK

Both state and federal courts have recognized the imposition of impact fees as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end are also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e., stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. Town of Tigard, OR*, 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as impact fees.

There are three reasonable relationship requirements for impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, we prefer a more rigorous formulation that recognizes three elements: "need," "benefit," and "proportionality." The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the

quality or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific capital facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for capital facilities is measured in terms of relevant and measurable attributes of development (e.g., a typical housing unit's average weekday vehicle trips).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Impact fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available *exclusively* to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements as part of subdivision or zoning review.

As documented in this report, the Town of Zebulon has complied with applicable legal precedents. Impact fees are proportionate and reasonably related to the capital improvement demands of new development. Specific costs have been identified using local data and current dollars. With input from Town staff, TischlerBise identified demand indicators for each type of infrastructure and calculated proportionate share factors to allocate costs by type of development. This report documents the formulas and input variables used to calculate the impact fees for each type of public facility. Impact fee methodologies also identify the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

CONCEPTUAL IMPACT FEE CALCULATION

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire service area (usually referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of service units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the impact fee

formula is to determine infrastructure improvement units per service unit, typically called level-of-service (LOS) standards. In keeping with the park example, a common LOS standard is improved park acres per thousand people. The third step in the impact fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish a cost per acre for land acquisition and/or park improvements.

EVALUATION OF CREDITS

Regardless of the methodology, a consideration of credits is integral to the development of a legally defensible impact fee. There are two types of credits that should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program. For ease of administration, TischlerBise normally recommends developer reimbursements for system improvements.

GENERAL METHODOLOGIES

Impact fees for the capital improvements made necessary by new development must be based on the same level of service (LOS) provided to existing development in the service area. There are three basic methodologies used to calculate impact fees. They examine the past, present, and future status of infrastructure. The objective of evaluating these different methodologies is to determine the best measure of the demand created by new development for additional infrastructure capacity. Each methodology has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss basic methodologies for calculating impact fees and how those methodologies can be applied.

- **Cost Recovery** (past improvements) - The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- **Incremental Expansion** (concurrent improvements) - The incremental expansion methodology documents current LOS standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to

accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development.

- **Plan-Based** (future improvements) - The plan-based methodology allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: (1) total cost of a public facility can be divided by total demand units (average cost), or (2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

PROPOSED IMPACT FEE METHODOLOGIES

Figure 1 summarizes the methods and cost components used for each component of the parks and recreation impact fee study.

Figure 1: Proposed Impact Fee Service Areas, Methodologies, and Cost Components

Necessary Public Service	Service Area	Cost Recovery	Incremental Expansion	Plan-Based	Cost Allocation
Parks and Recreation	Zebulon	N/A	Park Land, Park Improvements, Buildings Space	N/A	Population

PROPOSED PARKS AND RECREATION IMPACT FEE

The proposed parks and recreation impact fees are shown in Figure 2, by type of housing unit. TischlerBise does not recommend that parks and recreation impact fees be assessed on nonresidential development.

Fees shown below represent the maximum allowable fees. The Town of Zebulon may adopt fees that are less than the amounts shown; however, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital improvements and/or a decrease in the Town’s level-of-service standards. All costs are in current dollars with no assumed inflation rate over time. If cost estimates change significantly over time, impact fees should be recalibrated.

The Town’s currently adopted fee is \$2,500 per single family unit and \$2,500 per multifamily unit. This analysis reports a maximum allowable fee of \$6,143 per single family unit and \$5,413 per multifamily unit. Figure 2 below demonstrates the difference between the current and proposed impact fees.

Figure 2: Proposed Parks and Recreation Impact Fee

Development Type	Fees per Unit			
	Persons per Housing Unit ¹	Proposed Fees	Current Fees	Difference
Single Family	2.69	\$6,143	\$2,500	\$3,643
Multi-Family	2.37	\$5,413	\$2,500	\$2,913

1. See Land Use Assumptions

LAND USE ASSUMPTIONS

The Town of Zebulon retained TischlerBise to prepare this study to analyze the impacts of development on the Town's parks and recreation capital facilities and to calculate impact fees based on that analysis. The population and housing unit projections contained in this document provide the foundation for the impact fee study. To evaluate the demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on demand indicators by type of housing unit. These metrics are the service units and demand indicators used in the impact fee study.

Impact fees are based on the need for growth-related improvements, and they must be proportionate by type of land use. The demographic data and development projections are used to demonstrate proportionality and anticipate the need for future infrastructure. Impact fee studies typically look out five to ten years, with the expectation that fees will be updated every three to five years. The estimates and projections of residential in this Land Use Assumptions document are for areas within the boundaries of Zebulon, North Carolina.

SUMMARY OF GROWTH INDICATORS

Key development projections for the Zebulon impact fee study include population and housing units. TischlerBise estimates population and housing units using data published by the U.S. Census Bureau and Town population estimates. The projections contained in this document provide the foundation for the Impact Fee Study.

These projections are used to estimate impact fee revenue and to indicate the anticipated need for growth-related infrastructure. The goal is to have reasonable projections without being overly concerned with precision. This is because impact fee methods are designed to reduce sensitivity to development projections in the determination of the proportionate-share fee amounts, if actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, Zebulon will receive more fee revenue, but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development.

Persons Per Housing Unit

According to the U.S. Census Bureau, a household is a housing unit occupied by year-round residents. Impact fees often use per capita standards and persons per housing unit (PPHU) or persons per household (PPH) to derive proportionate share fee amounts. When PPHU is used in the fee calculations, infrastructure standards are derived using year-round population. When PPH is used in the fee calculations, the impact fee methodology assumes a higher percentage of housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. TischlerBise recommends that Zebulon impose impact fees for residential development according to the number of persons per housing unit.

Occupancy calculations require data on population and the types of units by structure. The 2010 census did not obtain detailed information using a "long-form" questionnaire. Instead, the U.S. Census Bureau switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which has limitations due to sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses, which share a common

sidewall, but are constructed on an individual parcel of land). For impact fees in Zebulon, detached stick-built units, attached units, and mobile home units are included in the “Single-Family” category. The second residential category includes duplexes and all other structures with two or more units on an individual parcel of land. This is referred to as “Multi-Family” category. (Note: housing unit estimates from ACS will not equal decennial census counts of units. These data are used only to derive the custom PPHU factors for each type of unit).

Figure 3 below shows the ACS 2019 5-Year Estimates for Zebulon, and population estimates provided by the town. Single-family units averaged 2.69 persons per housing unit (5,033 persons / 1,874 housing units) and multi-family units had an average of 2.37 persons per housing unit (613 persons / 259 housing units). In 2019 total housing units in Zebulon averaged 2.65 persons per housing unit.

Figure 3: Persons per Housing Unit by Type of Housing

Housing Type	Persons ³	Households	Persons per Household	Housing Units	Persons per Housing Unit	Housing Mix
Single-Family Units ¹	5,033	1,653	3.05	1,874	2.69	87.9%
Multi-Family Units ²	613	231	2.65	259	2.37	12.1%
Total	5,646	1,884	3.00	2,133	2.65	100.0%

Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates, Tables B25024, B25032, B25033.

1. Includes detached, attached (i.e. townhouses), and mobile homes.
2. Includes dwellings in structures with two or more units.
3. Population estimates provided by the Town of Zebulon

Residential Estimates

To estimate the base year population and housing characteristics, TischlerBise has utilized the Town’s population estimates and ACS 5-year estimates. The Town of Zebulon projects their population in the year 2030 to be 16,790 persons. The American Community Survey 2015-2019 5-Year Estimates show a 2019 estimated population of 5,291 persons and 1,999 housing units, the Town of Zebulon prefers their population estimate of 5,646 in 2019, and applying the ACS PPHU factors yields a housing unit estimate of 2,133. Thus, the total increase in population from 2019-2030 is expected to be 11,144 persons. Dividing the total increase by the number of years in the projection period (11), yields an average annual increase of 1,013 persons per year.

To estimate the base year (2021) housing and population characteristics the average annual increase in population (1,013) is added to the 2019 ACS population estimate two times. This yields a base year population estimate of 7,672. Applying the previously discussed persons per housing unit factors to the population estimates yields a 2021 base year housing unit estimate of 2,898 housing units.

Residential Projections

As discussed previously, TischlerBise utilizes the Town’s population projections for the year 2030. Dividing the increase in persons over the projection period yields an estimated additional 1,013 persons per year in the Town of Zebulon. Applying the PPHU factors to the population projections yields housing unit

estimates for both single family and multi-family units. Figure 4 below shows the projected population and housing unit characteristics for the Town over the next ten years, and the total increase in population and housing units by type of unit. The Town is projected to grow by 10,131 persons and 3,827 housing units to the year 2031. This represents a 132 percent increase in population and housing units.

Figure 4: Residential Development Projections

Zebulon, NC	2021	2022	2023	2024	2025	2026	2031	10-Year Increase
	Base Yr	1	2	3	4	5	10	
Population¹								
Single Family Units	6,840	7,743	8,646	9,549	10,452	11,355	15,871	9,031
Multi-Family Units	833	943	1,053	1,163	1,273	1,383	1,933	1,100
Total	7,672	8,686	9,699	10,712	11,725	12,738	17,803	10,131
Housing Units²								
Single Family Units	2,546	2,883	3,219	3,555	3,891	4,228	5,909	3,362
Multi-Family Units	352	398	445	491	538	584	817	465
Total	2,898	3,281	3,664	4,047	4,429	4,812	6,725	3,827

1. Population projections based on the Town's 2030 (shaded yellow) population estimate and then dividing the increase over the projection period equally.

2. Housing unit projections based on 2015-2019 American Community Survey population and housing unit estimates and Town population projections.

PARKS AND RECREATION IMPACT FEES

METHODOLOGY

Parks and Recreation impact fees include components for park land, park improvements, and buildings space. The *incremental expansion* methodology is used for all three fee components and allocates capital costs to new development based on population. This methodology allows Zebulon to maintain the current LOS standard as growth occurs. Impact fee revenue collected using this methodology may not be used to replace or rehabilitate existing improvements.

SERVICE AREA

The Town of Zebulon provides park and recreation services townwide; therefore, there is a single service area for the Parks and Recreation impact fees.

PROPORTIONATE SHARE

Impact fees should not exceed a proportionate share of the capital cost needed to provide capital facilities to the development. Parks and Recreation impact fees allocate 100 percent of the cost of capital facilities to residential development, based on number persons by type of housing unit.

IMPACT FEE COMPONENTS

Park Land – Incremental Expansion

The Town of Zebulon plans to expand its current inventory of park land to serve future development and maintain current levels of service. The Town currently has four community parks consisting of 76.24 total acres. The Town estimates cost to purchase park land at \$60,000.

To estimate the current level of service (LOS), total park land is divided by population, to yield 0.0099 acres of park land per person. Applying the cost factors (\$60,000 per acre) to the existing LOS results in a cost per person of \$596.21 per person for park land. Figure 5 details the current inventory of park land, developed park land, and existing level of service calculation.

Figure 5: Level of Service and Cost Allocation

Description	Total Acres
Zebulon Community Park	47.58
Whitley Park	3.70
Gill St Park	1.60
Little River Park	23.36
Total	76.24

Cost Factors	
Cost per Acre - Land Acquisition	\$60,000
Cost per Acre - Total	\$60,000

Level-of-Service (LOS) Standards	
Existing Acres	76.24
2021 Population	7,672
Acres per Person	0.0099
Cost per Person	\$596.21

Source: Play Zebulon Parks & Recreation Master Plan (2020)

Developed Park Land – Incremental Expansion

As discussed above, the Town has 76.24 acres of park land. However, only 35.30 acres of that land is developed as active park land. As the Town uses impact fees to purchase additional park land, there will be a need to develop this raw land. Developed in this context aligns with the Town’s definition of “developed” as stated in their 2020 Play Zebulon Parks and Recreation Master Plan. The Town’s estimated cost to develop a single acre of park land is \$100,000, as stated in Appendix B.

To estimate the current level of service, total developed park land is divided by population, to yield 0.0046 acres of developed park land per person. Applying the cost factor (\$100,000 per acre) to the existing LOS results in a cost per person of \$460.09 per person for developed park land. Figure 6 details the current inventory of developed park land, and existing level of service calculation.

Figure 6: Level of Service and Cost Allocation

Description	Total Acres	Developed Acres*
Zebulon Community Park	47.58	25.00
Whitley Park	3.70	3.70
Gill St Park	1.60	1.60
Little River Park	23.36	5.00
Total	76.24	35.30

*Developed acres provided by Withers Ravenel

Cost Factors	
Cost per Acre - Site Development	\$100,000
Cost per Acre - Total	\$100,000

Level-of-Service (LOS) Standards	
Existing Developed Acres	35.30
2021 Population	7,672
Developed Acres per Person	0.0046
Cost per Person	\$460.09

Source: Play Zebulon Parks & Recreation Master Plan (2020)

Park Improvements – Incremental Expansion

In order to meet the demands of new residential development, the Town plans to expand its current inventory of park improvements to maintain the current level of service as new development occurs. Appendix B contains detailed cost assumptions, provided by the Town of Zebulon, for parks and recreation improvements. Figure 5 (next page) contains information on the Town’s current inventory of park improvements by type, and their cost factors. The current inventory includes 27 improvements, with an estimated replacement cost of \$2,510,500. This yields a weighted average cost per improvement of \$92,981.

To estimate the increased demand from new development on park improvements, TischlerBise has established the existing level of service for the Town of Zebulon. The existing level of service is 0.0035 park improvements per person, given the base year population of 7,672 and 27 current park improvements. Utilizing a weighted average cost of \$92,981 per improvement, the park improvement cost is \$327.21 per person.

Figure 7: Level of Service and Cost Allocation

Description	Improvements	Unit Cost	Total Cost
Concessions	1	\$315,000	\$315,000
Disc Golf	1	\$6,500	\$6,500
Tennis Courts	2	\$35,000	\$70,000
Basketball Courts	2	\$25,000	\$50,000
Baseball/Softball Fields	2	\$150,000	\$300,000
Parking Lots	8	\$25,000	\$200,000
Picnic Shelter	2	\$9,500	\$19,000
Playground	3	\$200,000	\$600,000
Restrooms	2	\$375,000	\$750,000
Open Space	4	\$50,000	\$200,000
Total	27	\$92,981	\$2,510,500

Cost Factors	
Weighted Average per Improvement	\$92,981

Level-of-Service (LOS) Standards	
Existing Improvements	27.0
2021 Population	7,672
Improvements per Person	0.0035
Cost per Person	\$327.21

Source: Play Zebulon Parks & Recreation Master Plan (2020)

Recreation Building Space – Incremental Expansion

The Town currently owns 23,700 square feet of recreation building space, which is planned to be expanded as a result of increased demand from new development. The current inventory has a total replacement cost of \$6,907,500 and has an estimated average cost per square foot of \$291. Appendix B contains detailed cost assumptions for parks and recreation buildings space.

In order to estimate the current level of service, TischlerBise divides the total buildings space by the base year population to result in Zebulon’s existing level of service of 3.09 square feet per person. Utilizing an average cost of \$291 per square foot, the parks and recreation building space cost is \$900.30 per person.

Figure 8: Level of Service and Cost Allocation

Description	Square Feet	Cost Per Sq. Ft.	Replacement Cost
Zebulon Community Center	14,000	\$300	\$4,200,000
Activity Room	3,000	\$250	\$750,000
Art Room	2,000	\$275	\$550,000
Classroom	2,000	\$250	\$500,000
Warming Kitchen	1,200	\$350	\$420,000
Fitness Room	1,500	\$325	\$487,500
Total	23,700	\$291	\$6,907,500

Cost Factors	
Cost per Square Foot	\$291

Level-of-Service (LOS) Standards	
Existing Square Feet	23,700
2021 Population	7,672
Square Feet per Person	3.09
Cost per Person	\$900.30

Source: Play Zebulon Parks & Recreation Master Plan (2020)

PROJECTED DEMAND

Park Land

To project demand for future park land and developed park land, TischlerBise applies the level of service factors from Figure 5 to the development projections shown in the Land Use Assumptions. Over the next 10 years, the population of Zebulon is expected to increase by a total of 10,131 persons. This increase, at the current level of service (0.099 acres of park land and 0.0046 acres of developed park land per person) is associated with an increase of 100.7 acres of park land and 46.6 acres of developed park land. Using the cost factors outlined by the 2020 Play Zebulon Parks and Recreation Master Plan, projected expenditure equals \$6,039,968 and \$4,660,959 for park land and developed park land, respectively.

Figure 9: Projected Demand for Park Land

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Park Land	0.0046 Acres	per Person	\$100,000
	0.0099 Acres	per Person	\$60,000

Demand for Park Land			
Year	Population	Acres	
		Developed	Undeveloped
2021	7,672	35.3	76.2
2022	8,686	40.0	86.3
2023	9,699	44.6	96.4
2024	10,712	49.3	106.4
2025	11,725	53.9	116.5
2026	12,738	58.6	126.6
2027	13,751	63.3	136.6
2028	14,764	67.9	146.7
2029	15,777	72.6	156.8
2030	16,790	77.2	166.8
2031	17,803	81.9	176.9
10-Yr Increase	10,131	46.6	100.7

Growth-Related Expenditures	\$4,660,959	\$6,039,968
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Park Improvements

Based on a projected population increase of 10,131 persons over the next 10 years, future residential development demands an additional 35.7 units of park improvements at 0.0035 improvements per person. Using the weighted average cost from Figure 5, the increased demand from new development (35.7 units of parks improvements) equates to a projected total growth-related expenditure of \$3,314,826.

Figure 10: Projected Demand for Park Improvements

Type of Infrastructure	Level of Service	Demand Unit	Cost per Unit
Park Improvements	0.0035 Improvements	per Person	\$92,981

Demand for Park Improvements		
Year	Population	Improvements
		Residential
2021	7,672	27.0
2022	8,686	30.6
2023	9,699	34.1
2024	10,712	37.7
2025	11,725	41.3
2026	12,738	44.8
2027	13,751	48.4
2028	14,764	52.0
2029	15,777	55.5
2030	16,790	59.1
2031	17,803	62.7
10-Yr Increase	10,131	35.7

Growth-Related Expenditures	\$3,314,826
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Recreation Building Space

In order to estimate the Town’s future expenditure on recreation building space, the Town’s current level of service is applied to the projected population increase of 10,131 persons over the next 10 years. This calculation yields future development’s estimated demand of an additional 31,293 square feet of buildings space. Total growth-related expenditures on recreation building space equals \$9,120,558 (31,293 square feet X \$291 per square foot).

Figure 11: Projected Demand for Recreation Building Space

Type of Infrastructure	Level of Service	Demand Unit	Cost per Sq. Ft.
Buildings Space	3.09 Square Feet	per Person	\$291

Demand for Community Center Space		
Year	Population	Sq. Ft
		Residential
2021	7,672	23,700
2022	8,686	26,829
2023	9,699	29,959
2024	10,712	33,088
2025	11,725	36,217
2026	12,738	39,347
2027	13,751	42,476
2028	14,764	45,605
2029	15,777	48,734
2030	16,790	51,864
2031	17,803	54,993
10-Yr Increase	10,131	31,293

Growth-Related Expenditures | \$9,120,558

PROPOSED PARKS AND RECREATION IMPACT FEES

Infrastructure components and cost factors for Parks and Recreation impact fees are summarized in the upper portion of Figure 12. For Parks and Recreation impact fees, the capital cost is \$2,283.81 per person.

Parks and Recreation impact fees for residential development are assessed according to the number of persons per housing unit. The single-family fee of \$6,143 is calculated using a cost of \$2,283.81 per person multiplied by a demand unit of 2.69 persons per housing unit.

The Town of Zebulon will not assess Parks and Recreation impact fees on nonresidential development.

Figure 12: Proposed Parks and Recreation Impact Fees

Fee Component	Cost per Person
Park Land Acquisition	\$596.21
Park Land Development	\$460.09
Park Improvements	\$327.21
Buildings Space	\$900.30
Total	\$2,283.81

Development Type	Fees per Unit			
	Persons per Housing Unit ¹	Proposed Fees	Current Fees	Difference
Single Family	2.69	\$6,143	\$2,500	\$3,643
Multi-Family	2.37	\$5,413	\$2,500	\$2,913

1. See Land Use Assuptions

PROJECTED PARKS AND RECREATION IMPACT FEE REVENUE

Projected fee revenue shown below is based on the development projections, shown in Appendix A, and the proposed Parks and Recreation impact fees shown in Figure 12. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than is projected, the demand for infrastructure will also decrease, along with impact fee revenue. Projected impact fee revenue equals \$23,170,063 and projected expenditures equal \$23,136,312.

Figure 13: Projected Parks and Recreation Impact Fee Revenue

Fee Component	Total
Park Land Acquisition	\$6,039,968
Park Land Development	\$4,660,959
Park Improvements	\$3,314,826
Buildings Space	\$9,120,558
Total	\$23,136,312

		Single Family \$6,143 per unit	Multi-Family \$5,413 per unit
Year		Hsg Unit	Hsg Unit
Base	2021	2,546	352
Year 1	2022	2,883	398
Year 2	2023	3,219	445
Year 3	2024	3,555	491
Year 4	2025	3,891	538
Year 5	2026	4,228	584
Year 6	2027	4,564	631
Year 7	2028	4,900	677
Year 8	2029	5,236	724
Year 9	2030	5,573	770
Year 10	2031	5,909	817
10-Year Increase		3,362	465
Projected Revenue		\$20,654,669	\$2,515,393

Projected Fee Revenue	\$23,170,063
Total Expenditures	\$23,136,312

APPENDIX A: LAND USE DEFINITIONS

RESIDENTIAL DEVELOPMENT

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Zebulon will collect impact fees from all new residential units. One-time impact fees are determined by site capacity (i.e., number of residential units).

Single-Family:

1. Single-family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides.
2. Single-family attached (townhouse) is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.
3. Mobile home includes both occupied and vacant mobile homes, to which no permanent rooms have been added. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.

Multi-Family:

1. 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with "2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments."
2. Boat, RV, Van, Etc. includes any living quarters occupied as a housing unit that does not fit the other categories (e.g., houseboats, railroad cars, campers, and vans). Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.

APPENDIX B: PARKS AND RECREATION COST ASSUMPTIONS

PARKS AND RECREATION COST ASSUMPTIONS

Below is a table identifying the cost assumptions used in the impact fee study. The table is sourced from the Play Zebulon Parks and Recreation Master Plan (2020).


Figure AC 1: Detailed Cost Assumptions

Play Zebulon Master Plan - Baseline Cost Estimates

Order of Magnitude Estimate of Probable Capital Improvement Costs (February 2020)

		Unit	Quantity (Typ.)	Unit Cost
Typical Amenities				
A. Indoor Facilities & Buildings				
1	Community Center (Total Building)	square foot	20,000	\$300.00
2	Concession Building	square foot	1,800	\$175.00
3	Activity Room	square foot	3,000	\$250.00
4	Art Room	square foot	2,000	\$275.00
5	Classroom	square foot	2,000	\$250.00
6	Warming Kitchen	square foot	1,200	\$350.00
7	Fitness Room	square foot	1,500	\$325.00
8	Gymnasium	square foot	15,000	\$350.00
B. Park Elements				
1	Baseball/Softball Fields	each	1	\$150,000.00
2	Basketball Courts	each	1	\$25,000.00
3	Disc golf Course	each	1	\$6,500.00
4	Soccer Field	each	1	\$80,000.00
5	Tennis Courts	each	1	\$35,000.00
6	Football Field	each	1	\$100,000.00
7	Parking Lots	square yard	1,000	\$25.00
8	Large Picnic Shelter	each	1	\$6,500.00
9	Small Picnic Shelter	each	1	\$12,500.00
10	Volleyball Court	each	1	\$12,500.00
11	Small Playground (including surfacing)	each	1	\$250,000.00
12	Large Playground (including surfacing)	each	1	\$150,000.00
13	Open Space Development	acre	2	\$25,000.00
C. Trails (does not include acquisition)				
1	Paved Trail	linear foot	5,280	\$40
2	Unpaved Trail	linear foot	5,280	\$15
3	Sidewalk	square foot	15,000	\$10
4	Bridge	linear foot	200	\$450
D. Parkland				
1	Acquisition	acre	1	\$50,000.00
2	Development (Including all sitework and minimum amenities - assuming "blank slate scenario")	acre	1	\$100,000.00
F. Landscape				
1	Canopy Tree	each	1	\$350.00
2	Ornamental Tree	each	1	\$300.00
3	Shrubs	each	1	\$33.00
4	Grasses	each	1	\$18.00

Topic: Fiscal Year 2022 Town of Zebulon Budget Ordinance

Speaker: Sheila Long, Parks and Recreation Director
Michael J. Clark, AICP, CZO, Planning Director
From: Sheila Long, Parks and Recreation Director
Michael J. Clark, AICP, CZO, Planning Director
Bobby Fitts, Finance Director
Prepared by: Sheila Long, Parks and Recreation Director
Approved by:  Joseph M. Moore, II, PE – Town Manager

Executive Summary:

The Board will consider updates to the Town of Zebulon Fiscal Year 2021-2022 Fee Schedule.

Background:

The Town adopted Play Zebulon: Parks and Recreation Master Plan on September 13th, 2021. The master planning process included a Parks and Recreation Impact Fee Study. The Master Plan and Fee Study acknowledge additional financial resources are required to support parks and recreation service levels for Zebulon’s residents. A variety of funding sources were presented in the Master Plan, recognizing a combination of funding sources are required to support parks and recreation service levels. One funding source is a Recreation Impact Fee.

In accordance with the Town’s local act (1989, Chapter 606, House Bill 802) the Town has authority to charge a Recreation Impact Fee. In summary, the local act requires the Town prepare a report identifying anticipated costs, characteristics of construction and a plan to provide one or more recreation projects. A public hearing is required, and the Planning Board must make a recommendation.

The Town currently charges a \$500 Greenway Impact Fee. Replacing the Greenway Impact Fee with a Recreation Impact Fee maintains the option to fund greenways, and provides the Town with more flexibility and opportunity to fund other recreational resources as our community grows and diversifies.

Discussion:

The discussion before the Board is to consider comments on replacing the Greenway Impact Fee with the Recreation Impact Fee.

Staff Recommendation:

Staff recommends the following Recreation Impact Fee for public input and then forwarding to the Planning Board for further discussion and deliberation:

Development Type	Recommended Recreation Impact Fee
Single Family	\$3,000
Multi-Family	\$2,500

Policy Analysis

The Parks and Recreation Master Plan established the policy for park and recreation service provision in Zebulon. The Parks and Recreation Impact Fee is a means to implement that policy by assigning some funding obligation to new development.

At their October Board Meeting, the Board will consider whether to implement a Recreation Impact Fee, as well as consider at what point in the permitting process all impact fees are paid.

Fiscal Analysis

The recommended Recreation Impact Fee is consistent with the new development impact on level of service projections. The Board may decide to charge more or less than the recommended amount depending upon their level of service expectations, but they cannot legally exceed \$6,413 per single family development and \$5,413 per multi-family development.