

**TOWN OF ZEBULON  
PLANNING BOARD AGENDA  
Zebulon Municipal Complex  
October 12, 2020  
Following 7:00 PM Joint Public Hearing**

**I. CALL TO ORDER**

**II. APPROVAL OF AGENDA**

**III. ADOPTION OF MINUTES**

A. August 10, 2020

B. September 14, 2020

**IV. NEW BUSINESS**

A. QA-2020-03-A Mass Grading Text Amendment

B. QA-2020-03-B Sidewalks Text Amendment

**V. ADJOURNMENT**

**Zebulon  
Planning Board  
Minutes  
August 10, 2020**

Present: Gene Blount, Laura Johnson, Larry Ray, Stan Nowell, Stephanie Jenkins, Michael Germano, Jessica Luther, Joe Moore-Town Manager, Michael Clark-Planning, Meade Bradshaw-Planning, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Eric Vernon

Gene Blount called the meeting to order at 8:09pm.

**AGENDA**

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

**ADOPTION OF MINUTES**

Michael Germano made a motion, second by Larry Ray to approve the minutes of April 22, 2019, September 23, 2019, October 14, 2019, February 10, 2020, February 24, 2020, and March 2, 2020. There was no discussion and the motion passed unanimously.

**NEW BUSINESS**

A. Wake County Historic Landmark Designation

Michael Clark explained this was a request from Capital Area Preservation to designate 216 W. Gannon Avenue as a Wake County Historic Landmark in accordance with Section 16D-94 of the North Carolina General Statute. It was explained when a home was designated as a historic landmark, Wake County would provide guidance and grant a certificate of appropriateness before the homeowner was able make modifications to the property. The property owner would receive tax credits and tax incentives to have their home on the historic landmark registry.

There was discussion about the process a property owner would make to modify the home as well as the allowable uses of the home.

Stephanie Jenkins made a motion, second by Laura Johnson to recommend approval of the Wake County Historic Landmark Designation for 216 W. Gannon Avenue. There was no discussion and the motion passed unanimously.

B. CZ 2020-02 1500 & 1512 N. Arendell Avenue

Meade Bradshaw explained this was a request by Clyde Holt representing the property owner of 1500 and 1512 N. Arendell Avenue, Stephen Jordan Properties, LLC requesting a conditional zoning map amendment from residential-2 (R-2) to heavy commercial conditional zoning (HC CZ). Three conditions were applied to the property:

1. Building height will be no greater than 35'.
2. A traffic impact analysis will be conducted by a licensed engineer submitted/approved by the Town of Zebulon prior to Technical Review Committee Approval.

3. A fence meeting the Unified Development Ordinance requirements be constructed on property lines adjacent to properties with residential dwelling units and the church property.

The applicant added the following conditions:

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35") as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13. 7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.

The applicant also requested the administrative conditional zoning fee be waived. The parcels were previously zoned heavy business and were changed to residential-2 under adoption of the new Unified Development Ordinance. Staff supported the conditional zoning request but did not support waiving the re-zoning fee.

There was discussion about the uses allowed in the heavy commercial district. There was some confusion about the intent of the application and the prohibited uses. The Planning Board asked Clyde Holt for clarification of his intent in the application's allowable uses. Mr. Holt explained the applicant reserved the right to have any of the allowable uses except the ones that were specifically prohibited.

There was discussion about light pollution from the proposed business. Michael Germano proposed following dark sky initiatives for the lighting design. Mr. Holt explained he had added condition three stating “exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.” Mr. Germano wanted a method to measure light pollution for the nearby neighborhood.

Michael Germano made a motion, second by Jessica Luther to recommend approval of CZ 2020-02 for 1500 & 1512 N. Arendell Avenue with the following conditions.

1. Maximum height of principal building(s) shall not exceed thirty-five feet (35") as measured by code.
2. The collection of trash and/or recycling from the subject property shall be limited to Monday through Friday from the hours of 6AM to 7PM.
3. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from any adjacent residentially zoned lot containing an occupied dwelling.
4. In addition to storm water measures required by code, the owner shall design and maintain any required retention area so as to minimize and/or manage standing water to reduce its potential for mosquito infestation and to drain toward the right-of-way of Arendell Avenue.
5. In addition to landscaping required by code, at the time of initial development on the vacant parcel, or upon new construction and/or redevelopment of the developed parcel, each lot owner shall install and thereafter maintain a six (6') foot high opaque fence within the portion of the side or rear yard sharing a common boundary with adjacent residentially zoned property containing an occupied dwelling.
6. As a means of complying with §6.13.7 of the Zebulon UDO, each property-owner shall be permitted to utilize an alternative reasonable method, other than the ITE manual, to calculate peak hour trip generation for its traffic impact analysis and the calculation of any transportation impact fee assessed for new development on such lot. Any transportation impact fee ultimately agreed upon and/or paid by each property-owner and payments for any required road improvements and/or the fair market value of any right-of-way dedication (or fees-in-lieu for the same) required by the Town, or any sums previously paid by each property owner on account of such similar Town requirements, shall be considered concurrent payments.
7. The primary reason for rezoning these lots from R2 to HC being the return of the subject property to the commercial classification existing prior to January 1, 2020, and given that the downzoning occurring at that time took place without the property-owner's knowledge or consent, the application filing fee otherwise due under the Code and Fee Schedule shall be waived and/or returned to the property-owner applicant.
8. All uses will be allowed except for the following: ABC Store, Bottle Shop with on premise

consumption, Flea Market, Golf Course or Driving Range, Microbrewery, Microwinery, Microdistillery, Nightclub or Dance Hall, Tattoo and Piercing Establishment, and Truck Stop.

9. Incorporation of Dark Sky Lighting requirements.

There was no discussion and the motion passed unanimously.

There was a question how the property was zoned as R-2 under the new UDO. The zoning under the UDO was based on boundaries and the way it was mapped. The fee was initiated since the applicant requested conditional zoning and not commercial. The previous zoning code did not offer conditional zoning as an option therefore staff did not feel the rezoning fee was an error.

Laura Johnson made a motion, second by Larry Ray to recommend removing the zoning fee. The motion failed with a vote 2 to 4 with Laura Johnson and Larry Ray voting in favor and Michael Germano, Stephanie Jenkins, Jessica Luther and Stan Nowell voting in opposition.

Michael Germano made a motion, second by Stephanie Jenkins to recommend keeping the zoning fee. The motion passed with Michael Germano, Stephanie Jenkins, Jessica Luther and Stan Nowell voting in favor and Larry Ray and Laura Johnson voting in opposition.

C. CZ 2020-01 Five County Mini Storage

Meade Bradshaw explained this was a request by John Sikorski, property owner of 1412 and 1420 US 264 Highway, requesting a zoning map amendment from light industrial (LI) to conditional zoning light industrial. The was an existing self-service storage facility and the property owner wanted to expand the facility. Two conditions were applied to the property:

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.
2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planed along the western property line.

Staff explained when the Unified Development Ordinance was adopted self-storage facilities had to be a minimum site size of five acres and the existing site was approximately 2.21 and was a non-conforming use. Requesting the conditional zoning and removing the five-acre minimum requirement would allow the property owner to expand the facility.

There was a question if a variance for the impervious percentage to the site plan was needed for the additional use the UDO allowed 65% over the lot coverage and this use would be 75%. Staff deferred to Wake County and explained the applicant had spoken to Wake County Soil and Erosion Control and was given an exemption.

Michael Germano made a motion, second by Jessica Luther to recommend approval of CZ 2020-01 Five County Mini Storage finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon and with the following conditions.

1. Allowing a self-storage facility on a minimum site size (two parcels) of two acres.

2. Install a type-A landscape buffer (four understory trees and 15 shrubs every 100 linear feet) planed along the western property line.

There was no discussion and the motion passed unanimously.

D. Transportation Plan Amendment

Michael Clark stated the Town was proposing an amendment to the multi-modal plan to designate Judd Street from N. Arendell Avenue to Worth Hinton Road as a collector road. The section of land was owned by GSK and was zoned light industrial. GSK indicated they were putting this tract of land on the market for development. The collector road would give more east and west connectivity and quicker response time for an emergency service vehicle.

There was discussion about maintenance of the collector road.

Jessica Luther made a motion, second by Laura Johnson to recommend approval of the Transportation Plan Amendment, finding that the proposed request is consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed unanimously.

E. QA-2020-02 Quarterly Text Amendments

Michael Clark explained this was an amendment to Section 4.5.4.A to allow exceptions for mobile food vendors. The proposed amendment would result in increased efficiency of staff time as applications for ice cream trucks and similar activities would not need to be processed, reviewed, and approved. This text amendment also allowed exemptions for Homeowner's Associations and Town sponsored events.

Michael Clark further explained this was for a mobile truck that did not have a set location, stopped only for point of contact sales, and continued on a fixed route.

Michael Germano made a motion, second by Jessica Luther to recommend approval of the proposed text amendments to sections 4.5.4.A of the Unified Development Ordinance as presented at the August 10, 2020 Joint Public Hearing, finding that the proposed request is consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed unanimously.

Michael Clark stated this was an amendment to Section 6.10.7.F regarding street grade. The UDO text allowed for up to a 12% grade, but the standard specifications only allowed for a maximum of a 7% grade. The text amendment would give more consistency.

Larry Ray made a motion, second by Michael Germano to recommend approval of the proposed text amendments to section 6.10.7.F of the Unified Development Ordinance as presented at the August 10, 2020 Joint Public Hearing, finding that the proposed request is consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon. There was no discussion and the motion passed unanimously.

Planning Board  
Minutes  
August 10, 2020

Michael Germano made a motion, second by Laura Johnson to adjourn the meeting. There was no discussion and the motion passed unanimously.

Adopted this the 12<sup>th</sup> day of October 2020.

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Gene Blount—Chair

SEAL

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Stacie Paratore, CMC—Deputy Town

Clerk

**Zebulon  
Planning Board  
Minutes  
September 14, 2020**

Present: Gene Blount, Laura Johnson, Stan Nowell, Stephanie Jenkins, Michael Germano, Jessica Luther, Michael Clark-Planning, Davida Moore-Planning, Lisa Markland-Town Clerk, Stacie Paratore-Deputy Town Clerk, Sam Slater- Attorney

Others Present: Mayor Matheny, Commissioner Moore, Commissioner Loucks

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

**APPROVAL OF AGENDA**

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

**NEW BUSINESS**

**A. Swearing in Members**

Lisa Markland swore in Michael Germano to the Planning Board.

**B. Election of Officers**

Michael Germano made a motion, second by Laura Johnson to appoint Gene Blount as Chair to the Planning Board. There was no discussion and the motion passed unanimously.

Gene Blount made a motion, second by Stan Nowell to appoint Laura Johnson as Vice-Chair to the Planning Board. There was no discussion and the motion passed unanimously.

**C. TIA Training**

Jessica McClure from Ramey Kemp and Associates gave a detailed training on Traffic Impact Analyses (“TIA”) explaining the purpose of a TIA and how they were created.

It was explained typically the developer ordered and paid for the TIA. Jessica McClure further explained how the numbers in the studies were generated and the peak hours for studies to be performed.

**D. Conditional Zoning / Planned Development Training**

Michael Clark gave a detailed presentation on conditional zoning and planned development. The changes from the old process vs. the new process in the Unified Development Ordinance were discussed. The new process was a legislative decision and no longer quasi-judicial. It allowed for more public input and engagement and conditions were able to be negotiated but not demanded in the process. The Planning Board would hear public comment and make their recommendation to the Board of Commissioners based on the best interests of the Town.



Planning Board  
Minutes  
September 14, 2020

Michael Germano made a motion, second by Jessica Luther to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 12<sup>th</sup> day of October 2020.

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Gene Blount—Chair

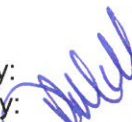
SEAL

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Stacie Paratore, CMC—Deputy Town Clerk

STAFF REPORT  
Quarterly Text Amendments (QA 2020-03-A)  
Mass Grading  
Joint Public Hearing October 12, 2020

**Topic: Quarterly Text Amendment 2020-03-A Mass Grading in Conservation Subdivisions**

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 and Planning Board will consider a text amendment to prohibit mass grading within Conservation Subdivisions.

**Background:**

Staff has received several questions from developers regarding Conservation Subdivisions. This development option is intended to preserve at least 50% of the land areas by allowing other concessions. Staff discovered that the current regulations still allow a developer to clear and grade most areas of a site disrupting the areas that are intended to be preserved. Therefore, staff is proposing amendment restricting the areas and timing of grading.

**Policy Analysis:**

This proposed UDO text amendment is consistent with the purpose and intent of Conservation Subdivisions (UDO 6.2.1) to allow for development of smaller lots while conserving land, including areas with mature deciduous trees, and preserving the existing environmental, natural, and cultural resources. This amendment addresses a land use concern noted as a *Growing Smart* goal in **Town of Zebulon: Vision 2030 Strategic Plan**.

**Fiscal Analysis:**

Mass grading reduces the front-end cost for developers, but produces higher long-term costs for the Town by increasing down-stream flooding and additional maintenance costs of storm water management systems.

Conversely, conserving land, including areas with mature natural vegetation, promotes the creation of a higher-valued development product that grows in tax value over time.

**Discussion:**

The discussion before the Planning Board and Board of Commissioners is whether to establish regulations that would limit the amount and timing of grading within a conservation subdivision.

**Staff Recommendation:**

Following public comment, Staff recommends approval of the proposed amendments to Section 6.2.4.I and Section 6.2.5.C.4.a of the UDO.

**Attachments:**

1. UDO Section 6.2.

## 6.2. CONSERVATION SUBDIVISION

### 6.2.1. PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in the rural and suburban portions of the Town a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects rural character, agricultural activities, or natural and historic features on the site. This is done in order to:

- A. Conserve open land, including those areas containing productive agricultural soils, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature deciduous trees, and watersheds;
- B. Promote existing rural character particularly in areas visible from major roadways in the Town;
- C. Retain and protect existing environmental, natural, and cultural resources;
- D. Create a linked network of open lands; and
- E. Provide reasonable economic use of the land.

### 6.2.2. APPLICABILITY

#### A. TYPE OF DEVELOPMENT

This conservation subdivision option shall be limited to development of single-family detached residential dwellings on individual lots in subdivisions of more than five lots. The conservation subdivision option shall not be available for any other form of development or use type.

#### B. WHERE ALLOWED

Single-family detached residential subdivisions of more than five lots in the R1, R2, and R4 districts may be developed as a conservation subdivision, in accordance with the standards in this section.

#### C. WHERE PROHIBITED

The conservation subdivision option is not available for use in the R6, RMF, OI, or other commercial districts.

### 6.2.3. PROCEDURE

Development utilizing the conservation subdivision option shall be approved as a preliminary plat in accordance with the procedures and standards in Section 2.2.14, Preliminary Plat, after approval of a conservation and development plan in accordance with this section.

#### A. CONSERVATION AND DEVELOPMENT PLAN

Prior to review of an application for preliminary plat for a conservation subdivision, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Planning Director in accordance with this section and the standards of Section 6.2.4, Conservation Subdivision Standards, and Section 6.2.5, Delineation of Conservation and Development Areas.

#### B. CONSERVATION AND DEVELOPMENT PLAN REQUIREMENTS

##### 1. STEP 1—SITE ANALYSIS MAP

The applicant shall prepare a site analysis map that provides information about existing site conditions and context, and that analyzes existing conditions both on the land proposed for the development site and on land within 500 feet of the site, and submit the site analysis map to the Planning Director. It is the intent of this section that the information required to be presented in the site analysis map be produced primarily from existing sources, maps, in order to ensure the process is economical for the applicant.

## **2. STEP 2—SITE INSPECTION**

After receipt of the site analysis map, the Planning Director shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a Town staff member. The purpose of this site visit is to:

- a. Familiarize the staff with the existing site conditions and natural and historic features of the site;
- b. Identify potential site development issues, including the best location for the development to ensure its visibility from surrounding areas and major roadways is minimized; and
- c. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

## **3. STEP 3—CONSERVATION AND DEVELOPMENT AREAS MAP**

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development areas map that depicts proposed primary conservation areas, secondary conservation areas, and development areas, in accordance with Section 6.2.5, Delineation of Conservation and Development Areas.

## **4. STEP 4—CONSERVATION AND DEVELOPMENT PLAN**

Based on the site analysis map, the information obtained during the site inspection, and the conservation and development areas map, the applicant shall prepare and submit to the Planning Director a conservation and development plan. The conservation and development plan shall include the following:

- a. A site analysis map;
- b. A conservation and development areas map; and
- c. A preliminary site improvements plan, showing proposed site development, including utilities, streets, other development features, buffers (if applicable), and lot lines located in the proposed development area(s).

### **C. REVIEW OF CONSERVATION AND DEVELOPMENT PLAN**

The Planning Director shall review the conservation and development plan in accordance with the procedures and requirements of Section 6.2.4, Conservation Subdivision Standards, and Section 6.2.5, Delineation of Conservation and Development Areas.

### **D. REVIEW AND APPROVAL OF CONSERVATION SUBDIVISION**

Following review and approval or approval with conditions of the conservation and development plan by the Planning Director for a preliminary plat of the conservation subdivision shall be submitted and reviewed in accordance with Section 2.2.14, Preliminary Plat.

## **6.2.4. CONSERVATION SUBDIVISION STANDARDS**

A conservation subdivision shall comply with the following standards:

### **A. LOCATION**

Conservation subdivisions shall be configured to minimize their visibility from adjacent lands and major roadways.

### **B. MINIMUM PROJECT SIZE**

Conservations subdivisions shall be at least 10 acres in area.

### **C. REQUIRED CONSERVATION AREA**

1. The required conservation area shall occupy at least 50 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 50 percent of a conservation subdivision site.
2. The conservation area shall be considered open space set-aside subject to the applicable standards in Section 5.7, Open Space.

**D. MAXIMUM RESIDENTIAL DENSITY**

A conservation subdivision shall be limited to the maximum density for a conservation subdivision in the zoning district in which it is located. Nothing shall prevent a conservation subdivision from increasing the maximum allowable residential density in accordance with Section 5.12, Sustainability Incentives.

**E. DIMENSIONAL REQUIREMENTS**

Conservation subdivision lots shall comply with the dimensional standards for the zoning district where located. Conservation subdivisions in a PD district shall comply with the dimensional requirements specified in the PD Master Plan.

**F. SETBACKS**

1. Conservation subdivision lots shall comply with the setback requirements for the zoning district where located.
2. Conservation subdivision lots in the PD district shall comply with the setback requirements specified in the PD Master Plan.
3. Lots in a conservation subdivision shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

**G. MAXIMUM LOT COVERAGE**

1. Conservation subdivision lots shall comply with the maximum lot coverage requirements for the zoning district where located.
2. Conservation subdivision lots in the PD district shall comply with the maximum lot coverage requirements specified in the PD Master Plan.

**H. ON-SITE WASTEWATER**

With approval from the appropriate county health department, individual septic systems and drain lines may be located within the conservation area, provided:

1. Easements shall be recorded showing the location of systems within conservation area;
2. Restrictive covenants shall provide for access, maintenance, and upkeep of systems located in the conservation area; and
3. All septic systems shall be operated in compliance with State and local regulations.

**I. GRADING**

In order to promote land development practices that maximize the preservation of natural vegetation, minimize disturbance to vegetation and soils, limit alteration of the natural topography, minimize surface water and ground water runoff and diversion, minimize the need for additional storm drainage facilities, reduce sedimentation in surrounding waters and promote land development and site planning practices that are responsive to the Town's scenic character without preventing the reasonable development of land; the initial clearing and grading of all conservation subdivisions shall be limited to dedicated public rights-of-way and easements for the installation of streets, utilities, and other infrastructure. All grading activities shall be done in accordance with all applicable federal, state and local laws, rules and regulations, including those pertaining to air and water pollution and noise control.

1. Infrastructure: Grading for infrastructure improvements (streets, sidewalks, curb, gutter, water, sewer, utilities, stormwater, spoil and borrow areas, etc.) shall be phased according to the Master Plan. Prior to proceeding to another phase, the developer shall stabilize the present phase with adequate ground cover sufficient to restrain erosion and have all infrastructure installed.

2. [Lots: Grading of individual lots within any conservation subdivision shall not begin without having first obtained a building permit from the Town of Zebulon and shall be limited to those areas comprising the building footprint, driveway and a minimal area surrounding the building footprint to accommodate construction equipment.](#)

~~3.~~

#### **6.2.5. DELINEATION OF CONSERVATION AND DEVELOPMENT AREAS**

The conservation area and development area on the conservation and development areas map shall comply with the following standards:

##### **A. PRIMARY CONSERVATION AREAS**

###### **1. FEATURES TO BE PRESERVED**

The following features shall be located and delineated on the conservation and development areas map, and shall be preserved in the following priority order as primary conservation areas:

- a. Areas with existing mature trees around the perimeter of the site;
- b. U.S. Army Corps of Engineers designated 404 wetlands;
- c. Riparian buffers and other lands within 50 feet of estuarine or other surface waters;
- d. Areas with impermeable soils; and
- e. Habitat utilized by endangered or threatened species or designated Natural Heritage Areas.

###### **2. AMOUNT TO BE PRESERVED**

All areas occupied by features comprising a primary conservation area shall be set aside and reserved for conservation purposes in accordance with the following standards:

###### **a. PRIMARY CONSERVATION AREA IS LESS THAN MINIMUM REQUIRED**

In cases where the geographic area occupied by all features comprising the primary conservation area is less than the minimum required conservation area, then all lands comprising the primary conservation area shall be set aside.

###### **b. PRIMARY CONSERVATION AREA EXCEEDS THE MINIMUM REQUIRED**

- i. In the event the geographic area of all features identified and prioritized as the primary conservation area results in a primary conservation area exceeding the conservation area requirement, priority for retention shall be given to the highest quality portion of the features to be conserved. (For example, conservation of the first type of prioritized features constitute 47 percent of a site, and the next prioritized feature consists of five percent and the minimum required conservation area is 50 percent of the site area, the applicant may identify which portions of the features exceeding the 50 percent conservation area requirement will be designated for conversion to development area).
- ii. Development on lands made available for conversion to development area shall be in accordance with the standards in this Ordinance.

###### **3. ALLOWABLE USES**

Uses located within a primary conservation area shall be limited to:

- a. Pervious pedestrian trails, walkways, and boardwalks;
- b. Above ground and below ground public utilities and associated easements, provided no feasible alternative exists;
- c. Street or driveway crossings, provided such crossings do not violate this Ordinance, or other State or federal laws;
- d. Stormwater management systems, where no practicable alternative exists; and
- e. Docks and other water-dependent features, as allowed in this Ordinance.

##### **B. SECONDARY CONSERVATION AREAS**

## **1. FEATURES TO BE PRESERVED**

In addition to primary conservation areas, the conservation and development areas map shall also identify secondary conservation areas, which shall be preserved in the following priority order:

- a.** Historic, archeological, and cultural resources;
- b.** Prime agricultural lands, including existing pastures (whether in use or otherwise);
- c.** Existing and mature woodland forests, natural fields, and meadows (especially those greater than five acres);
- d.** Scenic corridors and views; and
- e.** Areas that could serve to extend existing greenways, trails, parks, or recreation areas.

## **2. AMOUNT TO BE PRESERVED**

All areas occupied by features comprising a secondary conservation area shall be set aside and reserved as a part of the conservation area in accordance with the following standards:

### **a. PRIMARY CONSERVATION AREA OCCUPIES MORE THAN THAT REQUIRED**

In the event that the geographic area set aside as the primary conservation area is more of the required conservation area, no additional lands occupied by secondary conservation features shall be required to be included in the conservation area.

### **b. PRIMARY CONSERVATION AREA OCCUPIES LESS THAN THAT REQUIRED**

In the event the geographic area set aside as the primary conservation area is less than the required conservation area, then lands containing secondary conservation features shall also be set aside as part of the conservation area in priority order.

## **3. ALLOWABLE USES**

Uses located within a secondary conservation area shall be limited to:

- a.** All uses allowed in a primary conservation area;
- b.** Uses allowed in the Agricultural Use classification in Table 4.2.3, Principal Use Table;
- c.** Individual water supply and septic systems;
- d.** Stormwater management facilities;
- e.** Required drainage or other utility easements; and
- f.** Mitigation of development activities, including restoration of disturbed or degraded areas to enhance habitat and scenic value.

## **C. OWNERSHIP OF CONSERVATION AREAS**

### **1. LANDOWNER OR ASSOCIATION**

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners' or property owners' association, which shall be established in accordance with Section 6.5, Owners' Associations.

### **2. NONPROFIT ORGANIZATION**

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the Town is provided adequate assurance the area will be properly managed and maintained.

### **3. DEDICATED TO TOWN OR OTHER PUBLIC AGENCY**

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the Town, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the Town Council shall determine whether that land is appropriate for dedication to the Town or other public agency.

### **4. DEVELOPMENT AREAS**

After identifying the primary and secondary conservation areas, the development area shall be identified. It is the area within which development may occur, and shall include the area within the site where:

- a. Any clearing or grading activities will take place [in accordance with Section 6.2.4.1](#);
- b. Ingress and egress will be located;
- c. Individual or community wells and septic systems may be located (if not located within the secondary conservation area);
- d. Streets, utilities, and other similar structures will be located; and
- e. All allowable uses may be located.

#### **6.2.6. EVALUATION CRITERIA FOR CONSERVATION SUBDIVISION LAYOUT**

Conservation subdivisions shall be configured to:

- A.** Protect and preserve all floodways and wetlands;
- B.** Preserve and maintain mature woodlands, existing fields, pastures, meadows and orchards and creates sufficient buffer areas to minimize conflicts between residential and other uses;
- C.** Locate development outside of prime agricultural soils, to the maximum extent practicable;
- D.** Ensure the appearance of development is minimized, to the maximum possible extent;
- E.** Design around existing hedgerows and tree lines between fields or meadows;
- F.** Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from streets;
- G.** Avoid siting new construction on prominent rises or highly visible areas by taking advantage of lower topographic features;
- H.** Protect wildlife habitat areas of species listed as endangered, threatened or of special concern by NCDEQ;
- I.** Preserve sites of historic, archaeological, or cultural value (including spring houses, barn foundations, cellar holes, earthworks, burial grounds and similar features);
- J.** Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system; and
- K.** Consolidate open space into areas that are contiguous, to the maximum extent practicable.



STAFF REPORT  
Quarterly Text Amendments (QA 2020-03-B)  
Sidewalks  
Joint Public Hearing October 12, 2020

**Topic: Quarterly Text Amendment 2020-03-B Sidewalks in Conservation Subdivisions**

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 and Planning Board will consider a text amendment to require sidewalks on at least one side of the road within Conservation Subdivisions.

**Background:**

Staff has seen in increased interest in conservation subdivisions which are intended to preserve at least 50% of the land area by allowing for concessions. However, one such concession conflicts with the 2030 Strategic Plan as sidewalks are currently not required in Conservation Subdivisions. Therefore, staff is proposing an amendment to require sidewalks on at least one side of the roads within conservation subdivisions.

**Policy Analysis:**

This proposed UDO text amendment is consistent with the *Growing Smart* Focus Area and Goals of the **Town of Zebulon: Vision 2030 Strategic Plan** as furthers the Town's walkability initiatives. Furthermore, the UDO requires sidewalks in most other places as a way to provide for safe pedestrian access throughout the Town.

**Fiscal Analysis:**

Failure to approve the proposed amendment may result in the Town paying to install sidewalks within these residential neighborhoods at a later date to establish safe method of pedestrian travel.

**Discussion:**

The discussion before the Planning Board and the Board of Commissioners is whether to require sidewalks on at least one side of the streets within a Conservation Subdivision.

**Staff Recommendation:**

Following public comment, Staff recommends approval of the proposed amendments to Section 6.8.1 of the UDO.

**Attachments:**

1. UDO Section 6.8.1.

### 6.8.1 LOCATION

Sidewalks are required in accordance with the Town's Pedestrian Plan and the following standards:

#### A. BOTH SIDES OF THE STREET

1. Sidewalks shall be provided along both sides of all streets in the residential, mixed-use, and NC, GC, and HC districts.
2. Sidewalks shall be provided along both sides of all principal or minor arterial streets, regardless of the zoning district where located.

#### B. ONE SIDE OF THE STREET

1. Sidewalks, at a minimum, shall be required on one side of the street in the LI, IC, and HI districts.
2. When sidewalks are required on one side of the street, they shall generally be located on the side of the street to best continue existing sidewalk networks, if present.
- ~~2.3.~~ On local streets within a conservation subdivision;
- ~~3.4.~~ Where there is no clear preferable street side for the placement of a sidewalk, the sidewalk shall be placed on the street side where it is least likely to have a negative impact on stormwater management, in the opinion of the Planning Director.

#### C. NO SIDEWALKS REQUIRED

No sidewalks shall be required in the following locations:

1. In the R1 district;
- ~~2.~~ Within a conservation subdivision;
- ~~3.2.~~ Along alleys and accessways to individual lots not served by a street;
- ~~4.3.~~ Where an existing or proposed all-weather surface trail or pedestrian pathway can provide an equivalent level of pedestrian circulation; and
- ~~5.4.~~ In cases where environmental or topographic conditions make required sidewalk provision impossible, an alternative design shall be considered by the Planning Director.