

**ZEBULON  
BOARD OF COMMISSIONERS  
AGENDA  
October 4, 2021  
7:00pm**

Due to COVID-19 we have limited in-person seating. If you would like to attend, please email Stacie Paratore (sparatore@townofzebulon.org) by 12:00pm on October 4, 2021 to reserve your seat.

All meetings are live streamed on our Facebook (@TownofZebulon) and YouTube (@TownofZebulon) pages.

**I. PLEDGE OF ALLEGIANCE**

**II. APPROVAL OF AGENDA**

**III. SCHOOL RECOGNITION**

*A. Zebulon Elementary School*

1. Jy'Seir Barnes – Student
2. Sarah Street – Teacher

**IV. PROCLAMATION**

*A. October – Community Planning Month*

**V. PUBLIC COMMENT PERIOD**

If you wish to present in-person, please contact Stacie Paratore at sparatore@townofzebulon.org to reserve your seat. If you would like to submit comments to be read into the record at the meeting, please send comments, of 400 words or less, to Stacie Paratore (sparatore@townofzebulon.org) by 3:00pm on October 4, 2021.

**VI. PUBLIC HEARING**

*A. Annexations*

1. 469 Green Pace Road
2. 1817 Old US 264 Hwy

**VII. CONSENT**

*A. Minutes*

1. September 13, 2021 – Regular Meeting
2. September 22, 2021 – Work Session

*B. Finance*

1. Monthly Items
  - a. Wake County Tax Report – July 2021
  - b. Monthly Financial Report

**VIII. OLD BUSINESS**

*A. Planning*

1. Ordinance 2022-13 (TA-2022-01-A) Downtown Building Design
2. Ordinance 2022-14 (TA-2022-01-B) New Uses
3. Ordinance 2022-15 (TA-2022-01-C) New Use Regulations
4. Ordinance 2022-16 (TA-2022-01-D) Auto-Oriented Design Regulations
5. Ordinance 2022-17, Ordinance 2022-18, Ordinance 2022-19 and Ordinance 2022-20 (TA-2022-01-E) UDO Corrections
6. Budget Amendments
  - a. Ordinance 2022-03A – Amended Fire Station Capital Project

**IX. NEW BUSINESS**

*A. Planning*

1. Ordinance 2022-21 - Annexation Request – 469 Green Pace Road
2. Ordinance 2022-22 - Annexation Request – 1817 Old US 264 Highway

**X. BOARD COMMENTS**

**XI. MANAGER’S REPORT**

**XII. CLOSED SESSION**

Per N.C. General Statute § 143-318.11(a)(5): “... to instruct the [Town] staff or negotiating agents concerning the position to be taken by or on behalf of the [Town] in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; ...”

*A. General*

1. Ordinance 2022-23 – Transfer to N. Arendell Ave Capital Project Fund
2. Ordinance 2022-24 –Amending N. Arendell Ave. Capital Project Fund
3. Ordinance 2022-25 – EMS Building

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# ZEBULON

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NORTH CAROLINA

## COMMUNITY PLANNING MONTH PROCLAMATION

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, the Town of Zebulon and much of the region is growing at an unprecedented pace; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

**WHEREAS**, the American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of Planning Commissions and other citizen planners who have contributed their time and expertise to the improvement of the Town of Zebulon; and

**WHEREAS**, we recognize the many valuable contributions made by professional community and regional planners of the Town of Zebulon and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the month of October 2021 is hereby designated as **Community Planning Month** in the Town of Zebulon in conjunction with the celebration of National Community Planning Month.

Adopted this 4<sup>th</sup> day of October 2021.

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk

STAFF REPORT  
469 GREEN PACE ROAD  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2020

**Topic:** ANNEXATION REQUEST – 469 GREEN PACE ROAD  
**Speaker:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**From:** Michael J. Clark, AICP, CZO, Planning Director  
**Prepared by:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**Approved by:**  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider the voluntary annexation petition (Project # 613189) received for approximately 2 acres located at 469 Green Pace Road (Pin # 1795795922).

**Background:**

North Carolina General Statutes grant municipalities authority to annex areas contiguous to their boundaries upon presentation of a petition signed by the owners of all the real property located within such area (§160A-31).

The subject property was rezoned to Light Industrial-Conditional in January 2021 (Ordinance 2051-50). Annexation is a condition of water service provided by the City of Raleigh. The conditional zoning approval for the site allows the structures to be connected to an on-site septic system instead of municipal sewer.

**Discussion:**

The discussion before the Board is consideration of the subject property's annexation into the Town of Zebulon Corporate Limits.

**Policy Analysis:**

The Board's adoption of the Future Land Use and Character map on June 7, 2021, designated this parcel as Industrial Light (IL). The annexation request is consistent with the Future Land Use and Character map.

The annexation meets the intent of the following Comprehensive Land Use Plan Policies of the Town's Comprehensive Land Use Plan:

- "Utility Connection" (Growth and Management Policy L) Continue to require annexation as a condition of utility service given no other capability for Town-initiated annexation. (Growth Capacity section, pg. 3)
- "Fiscal Impact" (Annexation and Growth Management Policy M): The site does not require the extension of existing services (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the Industrial Goals listed in the Land Use and Development policies, and the Industrial Light Future Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg 4 and 20)


STAFF REPORT  
469 GREEN PACE ROAD  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2020

**Fiscal Analysis:**

The property is within existing service boundaries. Sanitation and recycling will be privately contracted.

The assessed value on the vacant property is \$217,800 and will provide approximately \$1,200 annually in property tax revenue. This revenue will increase as the property is improved with the construction of structures.

STAFF REPORT  
1817 OLD US 264 HWY  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2021

**Topic:** ANNEXATION REQUEST – 1817 OLD US 264 HIGHWAY  
**Speaker:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**From:** Michael J. Clark, AICP, CZO, Planning Director  
**Prepared by:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**Approved by:**  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider the voluntary annexation petition (Project Number 545166) received for approximately 16.18 acres located at 1817 Old US 264 Highway (PIN #2715830482). This is a legislative case.

**Background:**

North Carolina General Statute §160A-31 states that the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. There has been a recommendation from the Board of Commissioners to expedite processes for development. The property was rezoned to Light Industrial-Conditional in April 2021 as Ordinance 2021-64.

The site is currently in review for the construction of an outdoor storage yard. While the proposed use will not connect into the municipal water and sewer infrastructure, one of the approved conditions was to annex the property. The petition was submitted within 30 days of the rezoning approval as required.

**Discussion:**

The discussion before the Board is whether or not to annex the subject property into the Town of Zebulon Corporate Limits.

**Policy Analysis:**

The Board's adoption of the Comprehensive Land Use Plan and the Future Land Use and Character map on June 7, 2021 designates this parcel as Stadium Area Mixed Use. The proposed use of the subject parcel is inconsistent with the Future Land Use and Character map, however was adopted before the adoption of the Comprehensive Land Use Plan.

The proposed annexation request is consistent with the following Comprehensive Plan Policies:

- "Fiscal Impact" (Annexation and Growth Management Policy M): The site does not require the extension of existing services (Growth Capacity section, pg. 3)
- Economic Development Objectives (Annexation and Growth Management Policy R): The intended low-impact development of the site probably maintains the viability of

STAFF REPORT  
1817 OLD US 264 HWY  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2021

its future re-development to a use more consistent with the those envisioned for the Five County Stadium Area (Growth Capacity section, pg. 4; Economic Development section, pg. 12).

**Fiscal Analysis:**

The property is within existing service boundaries. Sanitation and recycling will be privately contracted.

The assessed value on the vacant property is \$678,055 and will provide approximately \$3,700 annually in property tax revenue. This revenue will increase as the property is improved with the construction of structures.

**Zebulon Board of Commissioners**  
**Minutes**  
**September 13, 2021**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Larry Loucks, Shannon Baxter, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Ray-Public Works, Jacqui Boykin-Police, Chris Perry-Fire, Sheila Long-Parks & Recreation, Amy Hayden-Parks and Recreation Bobby Fitts-Finance, Michael Clark-Planning, Meade Bradshaw-Planning, Laurie Butler-Planning, Eric Vernon-Town Attorney

Mayor Matheny called the meeting to order at 7:00pm.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Commissioner York.

**APPROVAL OF AGENDA**

Commissioner Loucks asked to amend the agenda to move Ordinance 2022-3A – Amended Fire Station Capital Project to Old Business.

Commissioner Baxter asked to amend the agenda to move Resolution 2022-04 – Lease Purchase Award for Leaf Truck and Payloader to Old Business and to add solid waste fee to the agenda under Old Business.

Commissioner Loucks made a motion, second by Commissioner Baxter to approve the agenda as amended. There was no discussion and the motion passed unanimously.

**PUBLIC COMMENT PERIOD**

Pam Lewis, the owner of the Purple Shoe, spoke about what they do for victims of domestic violence.

Troy Brown, a paster from Zebulon, spoke about the adoption of the Parks and Recreation Master Plan and thanked the Board for their dedication to the Town.

Brandon Wiggins, a Parks and Recreation Advisory Board member was excited about the Master Plan and the opportunities it would bring to the Town.

**CONSENT**

*A. Minutes*

Commissioner Loucks made a motion, second by Commissioner Clark to approve the minutes of the May 27, 2021 work session. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner Clark to approve the minutes of the August 2, 2021 regular meeting. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner Clark to approve the minutes of the August 18, 2021 special called meeting. There was no discussion and the motion passed unanimously.



Commissioner Loucks made a motion, second by Commissioner Clark to approve the minutes of the August 25, 2021 work session. There was no discussion and the motion passed unanimously.

*B. Finance*

Commissioner Loucks made a motion, second by Commissioner Clark to approve the Wake County tax report – June 2021. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner Clark to approve the monthly financial report. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner Clark to approve Ordinance 2022-12. There was no discussion and the motion passed unanimously.

Commissioner Loucks made a motion, second by Commissioner Clark to approve the amendment of the work session meeting schedule. There was no discussion and the motion passed unanimously.

**OLD BUSINESS**

*A. Parks and Recreation*

1. Adoption of Parks Master Plan

Sheila Long spoke about the Comprehensive Parks and Recreation Master Plan. The vision statement and goals were given. The vision map, sub-systems and objectives were given. The recreation impact fee study and fee schedule update would go before the Board at the September Joint Public Hearing. The current year priorities and future year priorities would be discussed at the September work session. Staff was also seeking partners and grant opportunities.

Commissioner Baxter expressed concerns about parking at Five County Stadium. Staff explained the plan was a conceptual plan and not a site plan. If future plans moved forward, numerous studies would be performed before any construction to navigate any future traffic or parking issues.

Mayor Matheny asked to add a comment stating the plan was conceptual and subject to review and negotiation in the future.

Commissioner Clark made a motion, second by Commissioner York to approve the Parks Master Plan and added a note that the plan was conceptual. There was no discussion and the motion passed unanimously.

*B. Administration*

1. Board Appointments

There was one in-Town vacancy and one ETJ vacancy on the Planning Board. The positions were three-year terms expiring on June 30, 2024. Applications were submitted by Gene Blount, Genia LaRese Newkirk and Domenick Schilling all in-Town and by Laura Johnson and David Hughes for the ETJ vacancy.

Bobby Fitts stated the proposal from Truist Bank was valid until September 23, 2021 and the proposal from Signature Public Funding Corp. was valid until September 12, 2021.

*D. Budget*

1. Recycling Fee

Commissioner Baxter inquired about a refund for weeks that garbage was not picked up during the transition. Chris Ray stated there was a gap in the collection period and sent GFL to pick-up the missed garbage. There was a failure in the GIS system which has been corrected. If garbage pickup or recycling was missed, citizens were asked to call Public Works at 919-269-5285.

Commissioner Baxter expressed concerns about the \$3.25 solid waste fee increase and citizens being notified about the increase. It was asked if the fee could be split out as a separate item on statements. The City of Raleigh would charge an additional fee to split the fee out in the billing statements.

Bobby Fitts would research and present more information at the September 22, 2021 work session.

**NEW BUSINESS**

*A. Public Works*

1. Resolution 2022-05 – Autumn Lakes – Phase 3 Infrastructure Acceptance

Chris Ray asked the Board to consider acceptance of roadway, greenway and storm drain infrastructure within Autumn Lakes Phase 3 for ownership and maintenance. Autumn Lakes Development completed the construction of Phase 3 in accordance with the Special Use Permit 2017-02, the latest version of Town of Zebulon Street and Storm Drainage Standards, and the City of Raleigh Utility Standards Phase 3 included 157 lots (with a total of 466 lots for all phases).

Staff recommended adoption of Resolution 2022-05 – Autumn Lakes – Phase 3 Infrastructure Acceptance.

There was discussion about the thickness and density of the roadways and the degradation due to heavy vehicles.

Commissioner Clark made a motion, second by Commissioner Baxter to approve Resolution 2022-05. There was no discussion and the motion passed unanimously.

2. Rotary Club – “Flags for Heroes” Zebulon Municipal Complex Facility Use Application

Chris Ray asked the Board to consider Zebulon Rotary Club’s request to install 200, 10-foot American flags on the municipal grounds over the Veterans Day holiday weekend. Sheila Long gave specific details of the event. The Rotary Club was asking that the facility use fee be waived.

There was discussion about the man hours expected from the Town.

Honey Beth Wiggs gave more details about the event.

Board of Commissioners  
Minutes  
September 13, 2021

Commissioner York made a motion, second by Commissioner Baxter to approve Rotary Club – “Flags for Heroes” Zebulon Municipal Complex Facility Use Application and waive the facility use fee. There was no discussion and the motion passed unanimously.

### **MANAGER’S REPORT**

Joe Moore gave some clarification about pavement on a local or collector street and how the volume of heavy vehicles on a roadway would not make a significant material difference to the degradation of the roadway.

Mr. Moore gave a preview of the upcoming Joint Public Hearing scheduled for September 20, 2021 and work session scheduled for September 22, 2021.

Michael Clark introduced the new Planning Technician, Laurie Butler.

### **BOARD COMMENTS**

Commissioner York stated he was grateful to attend the UNC Leadership Program, commended Chief Perry and staff for the new ISO 2 fire rating, and spoke about the Parks and Recreation and Police Department’s collaboration for the youth basketball program.

Commissioner Baxter was excited to see a wider variety of programs available for young people, thanked Tim Hale for his years of service to the Town and welcomed the new businesses in Town.

Commissioner Clark was excited about the Parks and Recreation Master Plan.

Commissioner Moore spoke about the bear that was seen at the Zebulon Community Center.

Commissioner Loucks commended the Zebulon Fire Department for their new ISO 2 rating, thanked the new appointed Board members, reminded everyone to get their COVID vaccine, and thanked Public Works for their help with the trash and recycling pick-up.

Mayor Matheny commended the Fire Department for their ISO 2 rating.

Commissioner Loucks made a motion, second by Commissioner Moore to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 4<sup>th</sup> day of October 2021.

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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk

The Board of Adjustment had two in-Town vacancies and one ETJ regular vacancy and one ETJ alternate vacancy. All positions were a three-year term expiring on June 30, 2024. Jay Estes was seeking reappointment and Genia LaRese Newkirk submitted an application as her third choice. The Parks and Recreation Advisory Board had three vacancies. Garrett Underhill was seeking reappointment and Genia LaRese Newkirk submitted an application as her second choice.

Commissioner Loucks made a motion, second by Commissioner York to appoint Gene Blount as an in-Town member on the Planning Board with a term expiring on June 30, 2024. There was no discussion and the motion passed with a vote 3 to 2 with Commissioner Loucks, York and Moore voting in favor and Commissioners Clark and Baxter opposed.

Commissioner York made a motion, second by Commissioner Moore to recommend appointment of Laura Johnson to the Wake County Board of Commissioners as an ETJ member on the Planning Board with a term expiring on June 30, 2024. There was no discussion and the motion passed unanimously.

Commissioner Clark made a motion, second by Commissioner York to appoint Jay Estes as an in-Town member on the Board of Adjustment with a term expiring on June 30, 2024. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Loucks to appoint Genia LaRese Newkirk as an in-Town member on the Board of Adjustment with a term expiring on June 30, 2024. There was no discussion and the motion passed unanimously.

It was explained Genia LaRese Newkirk's second choice was the Parks and Recreation Advisory Board and she was asked about her willingness to serve on both the Board of Adjustment and Parks and Recreation Advisory Board. Ms. Newkirk was willing to serve on both appointed boards.

There was no further discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner Loucks to appoint Genia LaRese Newkirk and Garrett Underhill to the Parks and Recreation Advisory Board with a term expiring on June 30, 2024. There was no discussion and the motion passed unanimously.

### *C. Finance*

#### 1. Ordinance 2022-03A – Amended Fire Station Capital Project

Commissioner Loucks made a motion, second by Commissioner Baxter to move Ordinance 2022-03A to the September 22, 2021 work session for further discussion. There was no discussion and the motion passed unanimously.

#### 2. Resolution 2022-04 – Lease Purchase Award (Leaf Truck & Payloader)

Commissioner Loucks made a motion, second by Commissioner Baxter to move Ordinance 2022-03A to the September 22, 2021 work session for further discussion. There was no discussion and the motion passed unanimously.

**Zebulon Board of Commissioners**  
**Work Session**  
**Minutes**  
**September 22, 2021**

Present: Robert S. Matheny, Beverly Clark, Annie Moore, Glenn York, Shannon Baxter, Larry Loucks, Joe Moore-Town Manager, Lisa Markland-Town Clerk, Chris Perry-Fire, Michael Clark-Planning, Sheila Long-Parks and Recreation, Chris Ray-Public Works, Bobby Fitts-Finance, Jacqui Boykin-Police, Eric Vernon-Attorney

Mayor Matheny called the meeting to order at 6:00pm.

**APPROVAL OF AGENDA**

Commissioner Clark made a motion, second by Commissioner Baxter to approve the agenda. There was no discussion and the motion passed unanimously.

Joe Moore gave an overview of the topics to be discussed at the meeting.

**NORTH ARENDELL PROJECT FINANCING**

Joe Moore spoke about the North Arendell Avenue access and operational improvements. The project would design the Pearces Road approach to North Arendell Avenue and add an additional lane on North Arendell Avenue. The Town of Zebulon applied for a LAPP grant in 2015 for a project totaling \$1.2 million. The LAPP grant scope of work was given. The project was under-scoped at this time due to market changes, level of detail, scope change and problem resolution. The needed improvements and other funding options were explained.

The project options included:

- proceed with project as currently scoped
- reduce scope of project
- resubmit project as currently scoped
- resubmit project with a bigger scope of work

Each project option was discussed. It was estimated \$2 million to \$2.5 million would be the Town's share to complete the project. More funding options for the project were discussed.

There was detailed discussion about signalization in the area.

**TREE LIGHTING OPTIONS**

Sheila Long spoke about the purpose of the tree lighting and gave scaled back options for the event. There was discussion about partnering with local businesses and groups. The consensus of the Board was to move forward with staff's plan of Candy Cane Lane. The tree lighting would be pre-recorded and the event would feature stations along the way for children.

**FIRE CAPITAL PROJECT – ORDINANCE 2022-03A**

Bobby Fitts explained Ordinance 2022-03A was approved at the August meeting and had an error that needed to be corrected. The approval would establish a budget for design funds. The Board was in consensus to hold the Ordinance for a vote at the October 4, 2021 meeting.

**LEASE PURCHASE AWARD – RESOLUTION 2022-04**

Bobby Fitts stated the rate proposal with Truist Bank was extended through October 4, 2021.

Staff answered questions that arose at the September 13, 2021 meeting. The City of Raleigh could not separate out the additional fee in the water bill mid-year and there would be a fee to add a new fee line item. The charge would be \$3.25 and the Town would receive \$2.91 toward the leaf truck purchase

Mayor Matheny asked if a Budget note on the website could be added to explain the extra charge to citizens.

The total including interest for the payloader and leaf truck were \$313,700. There was discussion about paying it off early.

Commissioner Baxter made a motion, second by Commissioner York to approve Resolution 2022-04. There was no discussion and the motion passed unanimously.

Commissioner Baxter made a motion, second by Commissioner York to adjourn. There was no discussion and the motion passed unanimously.

Adopted this the 4<sup>th</sup> day of October 2021.

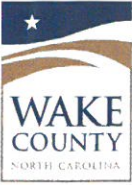
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Robert S. Matheny—Mayor

SEAL

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Lisa M. Markland, CMC—Town Clerk



**Board of Commissioners**  
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180  
FAX 919 856 5699

MATT CALABRIA, CHAIR  
VICKIE ADAMSON, VICE-CHAIR  
MARIA CERVANIA  
SUSAN EVANS  
SIG HUTCHINSON  
SHINICA THOMAS  
JAMES WEST

September 9, 2021

Ms. Lisa Markland  
Town Clerk  
Town of Zebulon  
1003 North Arendell Avenue  
Zebulon, North Carolina 27597

Dear Ms. Markland:

The Wake County Board of Commissioners, in regular session on September 8, 2021, approved and accepted the enclosed tax report for the Town of Zebulon.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in black ink that reads "Yvonne Gilyard".

Yvonne Gilyard  
Deputy Clerk to the Board  
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

07/01/2021 - 07/31/2021

ZEBULON

DATE  
08/17/2021

TIME  
9:39:14 PM

PAGE  
1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
<b>BUSINESS REAL ESTATE ACCOUNTS</b>											
791496	1,508.30	0.00	0.00	0.00	1,508.30	07/29/2021	0000186160	2021	2021	000000	SILVER SPRING HOUSING ASSOC LLC
<b>SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS</b>											
	<u>1,508.30</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,508.30</u>		<b>1</b>	<b>Properties Rebated</b>			
<b>TOTAL REBATED FOR ZEBULON</b>											
	<u>1,508.30</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,508.30</u>		<b>1</b>	<b>Properties Rebated for City</b>			





Wake County Tax Administration  
Rebate Details  
07/01/2021 - 07/31/2021  
ZEBULON

DATE  
08/17/2021

TIME  
9:39:14 PM


PAGE  
1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
<b>Grand Total:</b>	<b>117,013.14</b>	<b>500.00</b>	<b>14.37</b>	<b>0.00</b>	<b>117,527.51</b>			<b>97</b>	<b>Properties Rebated for All Cities</b>		

**Topic: FY 2022 Monthly Financial Statement Update**

Speaker: Bobby Fitts, Finance Director (if pulled from Consent)

Prepared by: Bobby Fitts, Finance Director

Approved by:  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

This monthly report summarizes the status of the Town's revenues and expenditures.

**Background:**

The attached financials are a summary of revenues and expenditures to date. These monthly reports are provided to inform the Board of revenue and expenditure trends throughout the year. The enclosed statements are through September 20, 2021.

**Information:**

Fiscal Year 2021

Fiscal Year 2021 is closed but unaudited. The Board will receive an audit in the upcoming Comprehensive Annual Financial Report. The following are an approximate summary of the fiscal year's revenues and expenditures:

- Expenditures: \$11,022,435 (up 8.2% from FY 2020)
- Revenues: \$13,173,751 (up 9.6% from FY 2020)
- Observations:
  - Sales tax collections exceeded the previous year by 15.8%.
  - The expenditure and revenue values reflect a conservative FY '21 Budget crafted at the onset of the COVID-19 pandemic and unexpectedly robust sales activity.

FY '22 Expenditures

Three months into Fiscal Year 2022, the Town has spent approximately \$2,536,000 (~15% of its General Fund budget of \$16,623,562). Some larger expenditures are made earlier in the fiscal year, such as debt service payments on the fire pumper truck (approximately \$83,000) and other vehicle purchases, and premiums on annual property & liability insurance and workers compensation.

FY '22 Revenues

The following summary provides insight into some of the early revenue activity in the current fiscal year:

- Property Tax (largest revenue stream)
  - + \$841,922 collected to date (11% of budgeted revenues (\$7,628,000)).
  - + 64.9% more than collected last fiscal year at this time (\$510,645).
- Sales Tax (second largest revenue stream)
  - + Tax reports lag 3-months
  - + The first of the FY '22 sales tax receipts will arrive next month.

- Utilities Sales Tax (5% of revenue stream):
  - + Disbursements received quarterly.
  - + Reflects natural gas and electricity sales and heavily weather dependent
  - + The report will be included in next month's report
- Permits & Zoning
  - + \$35,716 collected total (16% of budgeted revenues (\$220,000))
  - + 21.3% less than what was collected this time last fiscal year (\$45,387).
  - + An indication of development activity and corresponding support services.
- Transportation Impact Fees
  - + \$59,809 collected to date (29.9% of budgeted revenues (\$200,000)).
  - + 22.2% less than what was collected last fiscal year (\$76,839).
  - + Revenue placed in reserve for transportation projects to be spent within 10 years

**Policy Analysis: N/A**

**Financial Analysis:** Budgeted revenue in FY 2022 is \$16,623,562 while year to date revenue collected is \$1,331,994 (8.0% of budgeted). As shown in the chart on the Revenue Statement, 68.7% of year-to-date revenues come from property taxes as the total for the year has been collected.

**Staff Recommendation:**

No staff recommendation or Board action is necessary. These are informational only.

**Attachments:**

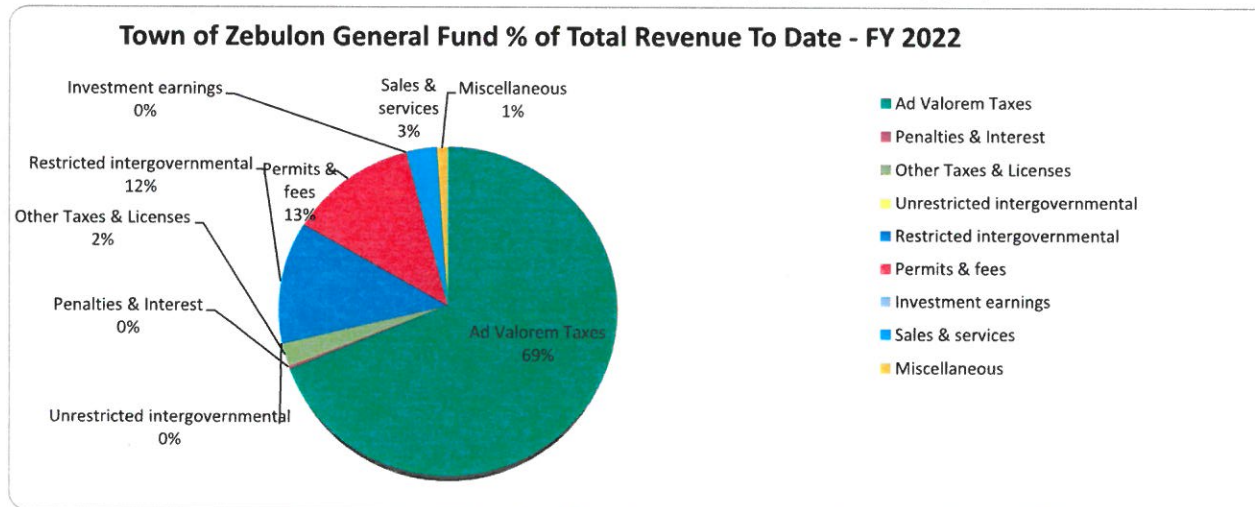
1. General Fund Fiscal Year 2022 Expenditure Statement and Revenue Statement (as of September 20, 2021)
2. Sales Tax – FY 2021

# ZEBULON

NORTH CAROLINA

TOWN OF ZEBULON  
 Revenue Statement: 2021 - 2022 As of 9/20/2021  
 for Accounting Period 6/30/2022  
 GENERAL FUND

<u>Revenue Categories</u>	<u>Estimated Revenue</u>	<u>Revenue YTD</u>	<u>% Collected</u>	<u>% of Total Revenue YTD</u>
Ad Valorem Taxes	\$7,672,000	\$915,129	11.9%	68.7%
Penalties & Interest	\$13,500	\$3,937	29.2%	0.3%
Other Taxes & Licenses	\$145,400	\$29,455	20.3%	2.2%
Unrestricted intergovernmental	\$1,927,500	\$0	0.0%	0.0%
Restricted intergovernmental	\$926,500	\$162,293	17.5%	12.2%
Permits & fees	\$551,500	\$166,383	30.2%	12.5%
Investment earnings	\$3,500	\$248	7.1%	0.0%
Sales & services	\$931,400	\$39,912	4.3%	3.0%
Miscellaneous	\$67,840	\$14,637	21.6%	1.1%
Other Financing Sources (Lease Purchase)	\$315,000	\$0	0.0%	0.0%
Fund Balance Appropriated	<u>\$4,069,422</u>	<u>\$0</u>	<u>0.0%</u>	<u>0.0%</u>
<b>Total Revenues</b>	<b>\$16,623,562</b>	<b>\$1,331,994</b>	<b>8.0%</b>	<b>100%</b>



# ZEBULON

NORTH CAROLINA

TOWN OF ZEBULON  
Expenditure Statement:2021 - 2022  
for Accounting Period 6/30/2022  
GENERAL FUND

As of 9/20/2021

<u>Dept #</u>	<u>Department</u>	<u>Approp Amount</u>	<u>Expenditure YTD</u>	<u>% Exp.</u>
410	GOVERNING BODY	\$435,015	\$63,360	14.6%
420	FINANCE	\$407,016	\$87,338	21.5%
430	ADMINISTRATION	\$1,021,700	\$186,919	18.3%
490	PLANNING AND ZONING	\$652,366	\$147,579	22.6%
500	PUBLIC WORKS-PROPERTY & PROJECT MGMT	\$2,488,915	\$171,941	6.9%
510	POLICE	\$2,746,880	\$734,608	26.7%
520	PUBLIC WORKS-OPERATIONS	\$3,333,400	\$362,637	10.9%
530	FIRE	\$3,038,614	\$570,003	18.8%
570	POWELL BILL	\$351,500	\$1,653	0.5%
620	PARKS & RECREATION	\$1,783,011	\$207,648	11.6%
690	COMMUNITY & ECONOMIC DEVELOPMENT	\$365,145	\$2,500	0.7%
	<b>Total Expenditures</b>	<b>\$16,623,562</b>	<b>\$2,536,186</b>	<b>15.3%</b>

**Sales Tax**

**FY 2021**

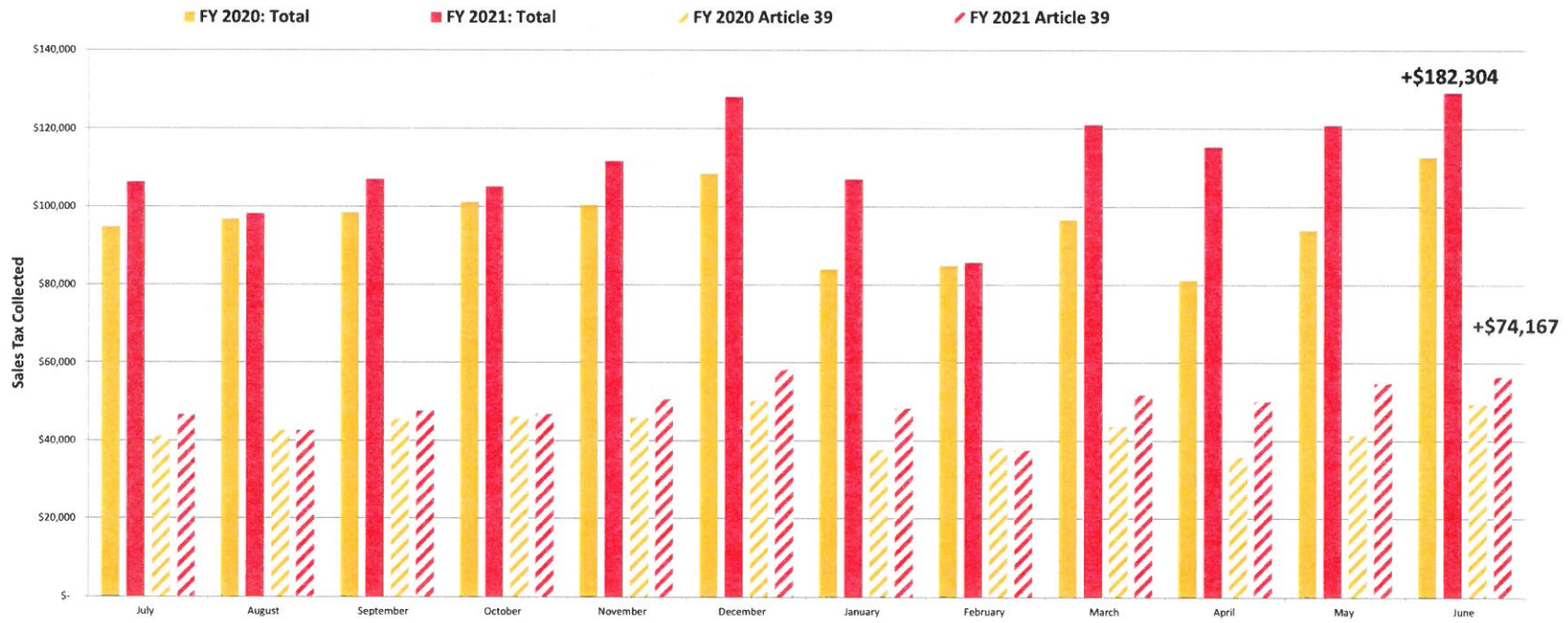
Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 21 Totals	Prior Year (FY 2020)	% Inc (Dec) from Prior Yr
July	\$ 46,727	\$ 19,891	\$ 23,331	\$ (7)	\$ 16,351	\$ 106,293	\$ 94,711	12.2%
August	42,713	18,626	21,327	11	15,457	98,134	96,820	1.4%
September	47,770	19,733	23,858	(2)	15,658	107,017	98,482	8.7%
October	46,956	19,326	23,433	(13)	15,354	105,056	101,205	3.8%
November	50,717	20,199	25,285	(2)	15,574	111,773	100,498	11.2%
December	58,329	23,016	29,146	10	17,704	128,204	108,478	18.2%
January	48,410	19,425	24,185	1	15,012	107,034	84,115	27.2%
February	37,570	16,223	18,734	1	13,282	85,810	85,027	0.9%
March	51,917	23,270	25,950	(2)	20,007	121,143	96,647	25.3%
April	50,198	21,765	25,058	(3)	18,418	115,436	81,112	42.3%
May	54,888	21,736	27,402	0	16,841	120,866	93,940	28.7%
June	56,533	24,213	28,255	2	20,313	129,315	112,742	14.7%
<b>Total</b>	<b>\$ 592,728</b>	<b>\$ 247,422</b>	<b>\$ 295,964</b>	<b>\$ (4)</b>	<b>\$ 199,972</b>	<b>\$ 1,336,082</b>	<b>1,153,778</b>	<b>15.8%</b>

**FY 2020**


Month	Article 39 (1) *	Article 40 (1/2)	Article 42 (1/2)	Article 44 (1/2)	City Hold Harmless	FY 20 Totals	Prior Year (FY 2019)	% Inc (Dec) from Prior Yr
July	\$ 41,205	\$ 17,900	\$ 20,548	\$ 43	\$ 15,016	\$ 94,711	\$ 82,490	14.8%
August	42,670	18,069	21,290	1	14,791	96,820	90,393	7.1%
September	45,534	17,330	22,718	1	12,899	98,482	89,061	10.6%
October	46,223	17,994	23,069	(1)	13,920	101,205	89,671	12.9%
November	46,102	17,842	22,999	9	13,546	100,498	97,904	2.6%
December	50,451	18,922	25,168	2	13,935	108,478	104,983	3.3%
January	37,739	15,421	18,827	0	12,127	84,115	76,871	9.4%
February	38,082	15,647	18,979	0	12,318	85,027	75,834	12.1%
March	43,777	17,750	21,887	(1)	13,235	96,647	104,736	-7.7%
April	35,710	15,381	17,829	(0)	12,193	81,112	97,795	-17.1%
May	41,524	17,658	20,749	(0)	14,009	93,940	101,771	-7.7%
June	49,544	21,107	24,751	(0)	17,341	112,742	105,892	6.5%
<b>Total</b>	<b>\$ 518,561</b>	<b>\$ 211,021</b>	<b>\$ 258,812</b>	<b>\$ 54</b>	<b>\$ 165,330</b>	<b>\$ 1,153,778</b>	<b>1,117,401</b>	<b>3.3%</b>

\* Net proceeds of the Article 39 tax are returned to the county of origin.

# Monthly Summary of Sales Tax Collected



STAFF REPORT  
ORDINANCE 2022-03A  
AMENDING FIRE STATION CAPITAL PROJECT FUND ORDINANCE  
OCTOBER 4, 2021

**Topic:** Ordinance 2022-03A – Fire Station – Capital Project Fund  
**Speaker:** Bobby Fitts (if pulled from Consent)  
**From:** Bobby Fitts, Finance Director  
**Prepared by:** Bobby Fitts, Finance Director  
**Approved by:**  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider amending the ordinance which established a capital project fund for the Fire Station project at the August meeting.

**Background:**

At the August meeting, the Board of Commissioners approved an ordinance establishing a capital project fund for the fire station project. The ordinance, however, contained an error in the Land Acquisition amount causing the ordinance to be out of balance. In consultation with the School of Government, they recommended presenting the corrected ordinance for Board approval.

**Discussion:**

Ordinance 2022-03A would correct the ordinance that was approved at the August meeting and Ordinance 2022-03 would be void.

**Policy Analysis:**

Governmental Accounting Standards Board (GASB) statement number 54 allows capital project funds to account for and report financial resources that are restricted, committed or assigned to expenditure for capital outlays including the acquisition or construction of capital facilities and other capital assets.

**Staff Recommendation:**

Staff recommends approval of Ordinance 2022-03A.

**Attachments:**

1. Ordinance 2022-03A



**ORDINANCE 2022-03A**  
**ESTABLISHING A CAPITAL PROJECT FUND FOR**  
**THE FIRE STATION CAPITAL PROJECT**

BE IT ORDAINED by the Board of Commissioners of the Town of Zebulon, that pursuant to §159-13.2 of the North Carolina General Statutes, the following Capital Project Ordinance is hereby adopted.

Section 1. The project authorized is the Fire Station Capital Project.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant agreement and the budget contained herein.

Section 3. The following amounts are appropriated for the project.

Fire Station Design	\$310,700.00
Land Acquisition	\$626,200.00
Fire Station P.E.R.	<u>\$50,000.00</u>
Total	\$986,900.00

Section 4. The following revenues are anticipated to be available to complete this project.

Transfer from General Fund	<u>\$986,900.00</u>
Total	\$986,900.00

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grant and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to the Board.

Section 8. The Finance Officer is directed to report on a quarterly basis on the financial status of each project element in Section 3.

Section 9. Copies of this Capital Project Ordinance shall be furnished to the Town Clerk, to the Governing Body, the Budget Officer, and to the Finance Officer for direction in carrying out this project.

Adopted this 4<sup>th</sup> day of October, 2021.


\_\_\_\_\_  
Robert S. Matheny, Mayor

ATTEST

\_\_\_\_\_  
Lisa M. Markland, Town Clerk

STAFF REPORT  
ORDINANCE 2022-13  
DOWNTOWN BUILDING DESIGN  
OCTOBER 4, 2021

**Topic:** **ORDINANCE 2022-13 (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 adoption of Ordinance 2022-13, 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 downtown. Finally, it frees up Staff time having to investigate potential changes to

STAFF REPORT  
ORDINANCE 2022-13  
DOWNTOWN BUILDING DESIGN  
OCTOBER 4, 2021

buildings to make sure that they are in keeping with the applicable UDO and Building Code regulations.

**Planning Board Recommendation/ Consistency Statement:**

At the meeting on September 27, 2021, the Planning Board unanimously recommended approval of the amendments to Section 3.5.3.F.12 of the UDO finding that they are consistent with Section 3.5.3.E of the UDO, the 2030 Strategic Plan's goal of a Vibrant Downtown, and Economic Goal 5 of the Comprehensive Land Use Plan.

**Staff Recommendation:**

Recommends the Board of Commissioners approve Ordinance 2022-13 the text amendments as presented.

**Attachments:**

1. Section 3.5.3.A
2. Example Photos
3. Ordinance 2022-13

**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

**ORDINANCE 2022-13**  
**TEXT AMENDMENT TO UDO ARTICLE 3: DISTRICTS**  
**3.5.3 - DESIGN STANDARDS (DTC)**

...

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.

Adopted this the 4<sup>th</sup> day of October 2021.


\_\_\_\_\_  
Robert S. Matheny - Mayor

SEAL

\_\_\_\_\_  
Lisa M. Markland, CMC - Town Clerk

STAFF REPORT  
ORDINANCE 2022-14  
NEW ART USES –  
ART GALLERIES AND ARTISAN STUDIOS  
OCTOBER 4, 2021

**Topic:** **ORDINANCE 2022-14 (TA-2022-1-B) NEW USES – ART GALLERIES AND ARTISAN STUDIOS**

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 Ordinance 2022-14, 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.

**Planning Board Recommendation/ Consistency Statement:**

At the September 27, 2021, Meeting, the Planning Board unanimously recommended approval of the proposed amendments Sections 4.2.3, 4.3.5, and 9.4 of the Unified Development Ordinance to permit Art Galleries and Artisan Studios finding that the



STAFF REPORT  
ORDINANCE 2022-14  
NEW ART USES –  
ART GALLERIES AND ARTISAN STUDIOS  
OCTOBER 4, 2021

amendments are 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.

**Staff Recommendation:**

Staff Recommends the Board of Commissioners approve Ordinance 2022-14 and the proposed text amendments as presented.

**Attachments:**

1. Table 4.2.3 (Use table with new uses)
2. Section 4.3.5 (Regulations of new uses)
3. Section 9.4 (Definitions new uses)
4. Photos of Examples from other Municipalities.
5. Ordinance 2022-14

**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	<a href="#">4.3.4.R;</a> <a href="#">4.3.4.S</a>
Urgent Care Facility	.	.	.	.	.	P	P	P	.	.	.	P	.	P	A	
Utility, Major	.	.	.	.	.	.	P	P	P	P	P	P	.	P	A	<a href="#">4.3.4.T</a>
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	<a href="#">4.3.4.T</a>
<b>COMMERCIAL USE CLASSIFICATION</b>																
ABC Store	.	.	.	.	.	.	.	P	.	.	.	.	S	S	A	
Adult Business	.	.	.	.	.	.	.	S	.	.	.	.	.	.	.	<a href="#">4.3.5.A</a>
Aircraft Parts, Sales, and Maintenance	.	.	.	.	.	.	.	.	P	P	P	.	.	.	A	
Animal Day Care / Grooming	.	.	.	.	.	P	P	P	P	.	P	.	.	P	A	<a href="#">4.3.5.B</a>
Animal Shelter	.	.	.	.	.	.	.	.	S	.	S	.	.	.	.	<a href="#">4.3.5.C</a>
Art Gallery	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.D</a>
Artisan Studio	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	.	<a href="#">P</a>	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.E</a>
Auction House	.	.	.	.	.	.	P	P	P	.	P	.	.	P	A	
Automotive Repair and Servicing (without painting/ bodywork)	.	.	.	.	.	.	P	P	P	.	P	.	.	S	.	<a href="#">4.3.5.F</a>
Automotive Sales and Rentals	.	.	.	.	.	.	P	P	P	.	P	.	.	P	A	<a href="#">4.3.5.G</a>
Automotive Painting/Body Shop	.	.	.	.	.	.	.	P	P	.	P	.	.	.	.	<a href="#">4.3.5.H</a>
Automotive Parts and Accessories Sales	.	.	.	.	.	.	P	P	.	.	.	.	.	P	A	
Automotive Wrecker Yard	.	.	.	.	.	.	.	.	P	.	P	.	.	.	.	<a href="#">4.3.5.I</a>
Bar, Cocktail Lounge, or Private Club	.	.	.	.	.	S	S	S	S	.	.	.	P	P	A	<a href="#">4.3.5.J</a>
Bed and Breakfast	S	S	S	S	P	P	P	P	.	.	.	P	P	P	A	<a href="#">4.3.5.K</a>
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	<a href="#">4.3.5.L</a>
Business Incubator	.	.	.	.	.	P	P	P	P	P	.	P	P	P	A	<a href="#">4.3.5.M</a>
Campground	.	.	.	.	P	.	P	.	P	.	.	.	.	.	A	<a href="#">4.3.5.N</a>
Car Wash or Automobile Detailing	.	.	.	.	.	.	P	P	P	.	.	.	.	P	A	<a href="#">4.3.5.O</a>
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

<b>DEFINITIONS</b>	
<b>ARBOR</b>	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
<b>ARBORETUM OR FORMAL GARDEN</b>	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.
<b>ARCADE</b>	A series of arches supported by piers or columns. It is typical for an arcade to have habitable floor space directly above it.
<b>ARCH OR ARCHWAY</b>	A curved, semicircular opening in a wall.
<b>AREA OF SHALLOW FLOODING</b>	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.
<b>AREA OF SPECIAL FLOOD HAZARD</b>	The land in the floodplain within a community subject to a 1% or greater chance of being equaled or exceeded in any given year.
<b>ART INSTALLATION</b>	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.
<b><u>ART GALLERY</u></b>	<u>A space or series of spaces dedicated towards the display, exhibition, and sale of works of art.</u>
<b>ARTERIAL STREET</b>	See “Street, Arterial.”
<b>ARTICULATION</b>	The presence or projections, recesses, or other architectural features along a building façade.
<b><u>ARTISAN STUDIO</u></b>	<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>
<b>AS-BUILT PLANS</b>	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
<b>ASPHALT OR CONCRETE PLANT</b>	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.
<b>ASSISTED LIVING FACILITY</b>	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.
<b>AUCTION HOUSE</b>	A commercial establishment engaged in the re-sale of objects, artifacts, or products. Such uses may also include facilities for storage and shipping.
<b>AUDITORIUM</b>	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.
<b>AUTHORIZED AGENT</b>	A person with express written legal consent to act upon another’s behalf.
<b>AUTOMATED TELLER MACHINE</b>	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)

# ORDINANCE 2022 - 14

## ARTICLE 4: USES and ARTICLE 9 MEASUREMENTS AND DEFINITIONS

### 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	<a href="#">4.3.4.R;</a> <a href="#">4.3.4.S</a>
Urgent Care Facility	.	.	.	.	.	P	P	P	.	.	.	P	.	P	A	
Utility, Major	.	.	.	.	.	.	P	P	P	P	P	P	.	P	A	<a href="#">4.3.4.T</a>
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	<a href="#">4.3.4.T</a>
<b>COMMERCIAL USE CLASSIFICATION</b>																
ABC Store	.	.	.	.	.	.	.	P	.	.	.	.	S	S	A	
Adult Business	.	.	.	.	.	.	.	S	.	.	.	.	.	.	.	<a href="#">4.3.5.A</a>
Aircraft Parts, Sales, and Maintenance	.	.	.	.	.	.	.	.	P	P	P	.	.	.	A	
Animal Day Care / Grooming	.	.	.	.	.	P	P	P	P	.	P	.	.	P	A	<a href="#">4.3.5.B</a>
Animal Shelter	.	.	.	.	.	.	.	.	S	.	S	.	.	.	.	<a href="#">4.3.5.C</a>
Art Gallery	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.D</a>
Artisan Studio	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	.	<a href="#">P</a>	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.E</a>
Auction House	.	.	.	.	.	.	P	P	P	.	P	.	.	P	A	
Automotive Repair and Servicing (without painting/ bodywork)	.	.	.	.	.	.	P	P	P	.	P	.	.	S	.	<a href="#">4.3.5.F</a>
Automotive Sales and Rentals	.	.	.	.	.	.	P	P	P	.	P	.	.	P	A	<a href="#">4.3.5.G</a>
Automotive Painting/Body Shop	.	.	.	.	.	.	.	P	P	.	P	.	.	.	.	<a href="#">4.3.5.H</a>
Automotive Parts and Accessories Sales	.	.	.	.	.	.	P	P	.	.	.	.	.	P	A	
Automotive Wrecker Yard	.	.	.	.	.	.	.	.	P	.	P	.	.	.	.	<a href="#">4.3.5.I</a>
Bar, Cocktail Lounge, or Private Club	.	.	.	.	.	S	S	S	S	.	.	.	P	P	A	<a href="#">4.3.5.J</a>
Bed and Breakfast	S	S	S	S	P	P	P	P	.	.	.	P	P	P	A	<a href="#">4.3.5.K</a>
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	<a href="#">4.3.5.L</a>
Business Incubator	.	.	.	.	.	P	P	P	P	P	.	P	P	P	A	<a href="#">4.3.5.M</a>
Campground	.	.	.	.	P	.	P	.	P	.	.	.	.	.	A	<a href="#">4.3.5.N</a>
Car Wash or Automobile Detailing	.	.	.	.	.	.	P	P	P	.	.	.	.	P	A	<a href="#">4.3.5.O</a>
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

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##### **D. ART GALLERY**

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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**

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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.
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)**

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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.~~



## ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

### **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**

.....

<b>ART GALLERY</b>	<u>A space or series of spaces dedicated towards the display, exhibition, and sale of works of art.</u>
<b>ARTERIAL STREET</b>	See "Street, Arterial."
<b>ARTICULATION</b>	The presence or projections, recesses, or other architectural features along a building façade.
<b>ARTISAN STUDIO</b>	<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>
<b>AS-BUILT PLANS</b>	A set of engineering or site drawings that delineate the specific permitted development as actually constructed.
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<b>ASSISTED LIVING FACILITY</b>	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.
<b>AUCTION HOUSE</b>	A commercial establishment engaged in the re-sale of objects, artifacts, or products. Such uses may also include facilities for storage and shipping.
<b>AUDITORIUM</b>	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.
<b>AUTHORIZED AGENT</b>	A person with express written legal consent to act upon another's behalf.
<b>AUTOMATED TELLER MACHINE</b>	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

Ordinance 2022-14 is hereby adopted October 4<sup>th</sup>, 2021

\_\_\_\_\_  
Robert S. Matheny - Mayor

SEAL

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Lisa M. Markland - Town Clerk

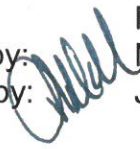
STAFF REPORT  
ORDINANCE 2022-15  
NEW USE REGULATIONS –  
PAWN SHOPS, VAPE, TOBACCO AND CBD SHOPS  
OCTOBER 4, 2021

**Topic:** **ORDINANCE 2022-15 (TA-2022-1-C) NEW USE REGULATIONS  
– PAWN SHOPS, VAPE, TOBACCO AND CBD SHOPS**

**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 Ordinance 2022-15, amending the Unified Development Ordinance to establish Pawn Shops and Vape, Tobacco, and 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 principle when concentrated in close proximity to each other. Furthermore, the proposed text amendment is consistent with 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.

**Planning Board Recommendation/ Consistency Statement:**

At the September 27, 2021, the Planning Board unanimously recommended approval of the amendments to Sections 4.2.3, 4.3.5, and 9.4 as with an amendment to increase the proposed radius to 1000 feet to be consistent with the current regulations pertaining to Games of Skill, finding that the proposed amendments are consistent Economic Policy

STAFF REPORT  
ORDINANCE 2022-15  
NEW USE REGULATIONS –  
PAWN SHOPS, VAPE, TOBACCO AND CBD SHOPS  
OCTOBER 4, 2021

“C” in the Town’s Comprehensive Land Use and with the intent of Section 3.5.3.A of the Unified Development Ordinance which notes that uses should energize pedestrian activity and operate as civic gathering spaces and cultural attractions, and that Pawn Shops or Vape, Tobacco, and CBD shops work against that principal when concentrated in closed proximity to each other.

**Staff Recommendation:**

Staff Recommends the Board of Commissioners approve Ordinance 2022-15 and the text amendments as proposed.

**Attachments:**

1. Table 4.2.3 – Use Table
2. Section 4.3.5 – Pawn Shop Regulations
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.
7. Ordinance 2022-15

**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	<a href="#">4.3.5.HH</a>
Parking Structure	.	.	.	.	S	S	P	P	P	P	P	P	P	P	A	<a href="#">4.3.5.II</a>
<a href="#">Pawn Shop</a>	.	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.JJ</a>
Pharmacy	.	.	.	.	.	S	P	P	.	.	.	S	P	P	A	<a href="#">4.3.5.KK</a>
Pool Hall	.	.	.	.	.	.	S	S	.	.	.	.	S	S	A	
Racetrack	.	.	.	.	.	.	.	.	S	.	S	.	.	.	.	
Recreational Vehicle Park	.	.	.	.	S	.	.	.	S	.	S	.	.	.	.	<a href="#">4.3.5.LL</a>
Repair Shop	.	.	.	.	.	.	P	P	P	.	.	.	P	P	A	<a href="#">4.3.5.MM</a>
Restaurant Indoor/Outdoor Seating	.	.	.	.	.	P	P	P	.	P	.	P	P	P	A	<a href="#">4.3.5.NN</a>
Restaurant with Drive-through/Drive-up Service	.	.	.	.	.	.	P	P	.	P	.	P	.	.	A	<a href="#">4.3.5.NN</a>
Restaurant, Walk-up Only	.	.	.	.	P	P	P	P	P	P	.	P	P	P	A	<a href="#">4.3.5.NN</a>
Retail, Bulky Item	.	.	.	.	.	.	S	P	P	.	.	.	.	.	A	<a href="#">4.3.5.OO</a>
Retail, Large Format	.	.	.	.	.	.	S	P	P	.	.	.	.	S	A	<a href="#">4.3.5.PP</a>
Retail Use, Other	.	.	.	.	.	P	P	P	P	.	.	.	P	P	A	
Self Service Storage, External Access Only	.	.	.	.	.	.	.	S	P	.	P	.	.	.	A	<a href="#">4.3.5.QQ</a>
Self Service Storage, Internal Access Only	.	.	.	.	.	.	S	S	P	.	P	.	.	P	A	<a href="#">4.3.5.QQ</a>
Shooting Range, Indoor	.	.	.	.	.	.	.	S	S	.	.	.	.	.	.	<a href="#">4.3.5.RR</a>
Specialty Eating Establishment	.	.	.	.	.	P	P	P	.	.	.	S	P	P	A	<a href="#">4.3.5.SS</a>
Tattoo and Piercing Establishment	.	.	.	.	.	.	P	P	.	.	.	.	.	S	A	
Theatre	.	.	.	.	.	P	P	P	.	.	.	.	P	P	A	
Truck Stop	.	.	.	.	.	.	.	P	P	.	P	.	.	.	.	<a href="#">4.3.5.TT</a>
<a href="#">Vape, Tobacco, and CBD Shop</a>	.	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.UU</a>
Veterinary Clinic	.	.	.	.	.	P	P	P	.	.	.	.	P	P	A	<a href="#">4.3.5.WV</a>
<b>INDUSTRIAL USE CLASSIFICATION</b>																
Asphalt or Concrete Plant	.	.	.	.	.	.	.	.	S	.	S	.	.	.	.	<a href="#">4.3.6.A</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

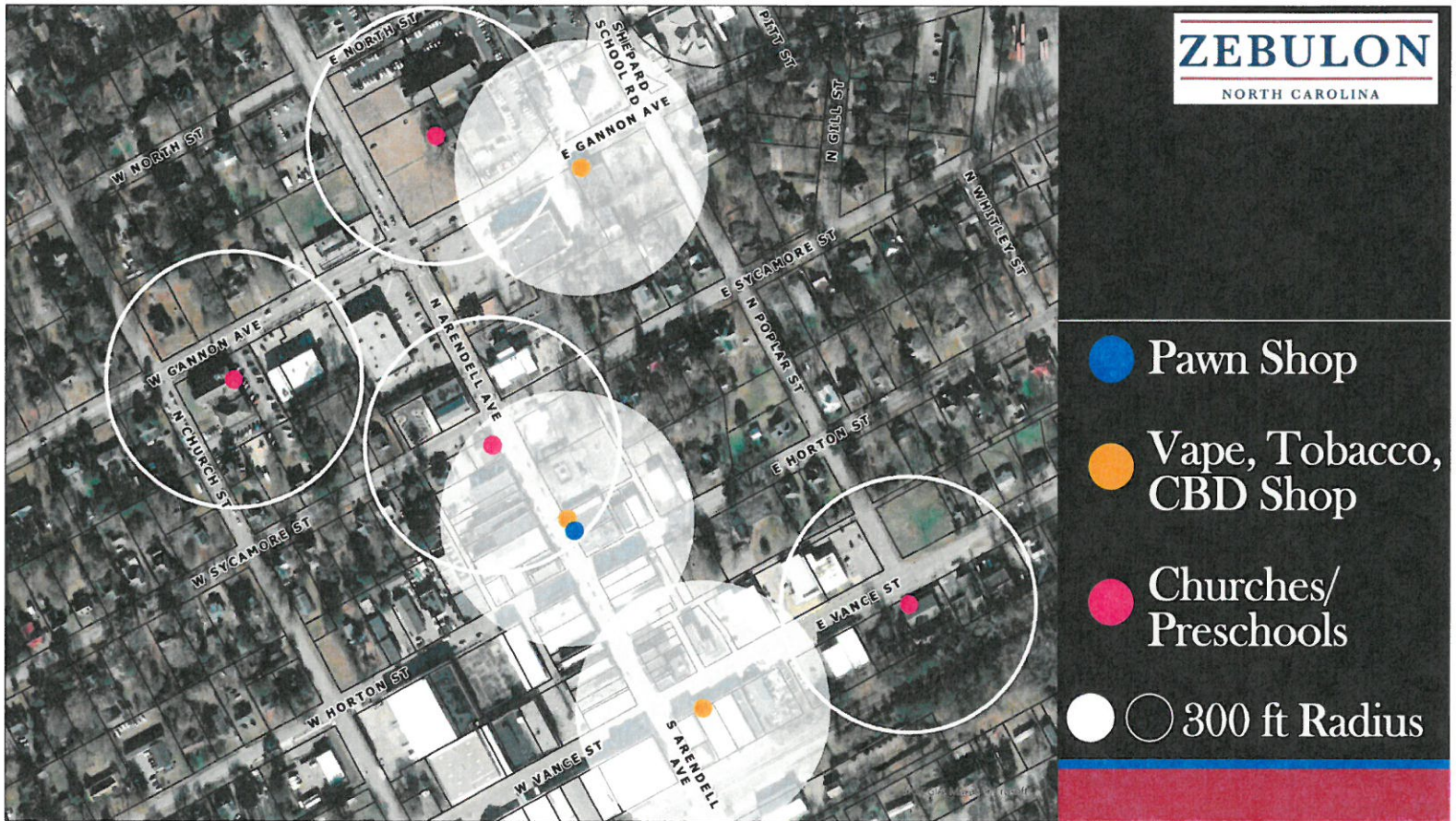
<b>DEFINITIONS</b>	
<b>PARKING SPACE</b>	A location where an automobile or passenger truck is temporarily stored.
<b>PARKING SPACE, REVERSE ANGLE</b>	On-street parking spaces configured at an angle to the direction of travel for the street where located. Vehicles back into reverse angle parking spaces.
<b>PARKING STRUCTURE</b>	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.
<b>PARKING STRUCTURE</b>	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.
<b>PARKING STUDY</b>	An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
<b>PASSENGER TERMINAL</b>	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.
<b>PASSIVE OPEN SPACE SET-ASIDE</b>	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.
<b><u>PAWN SHOP</u></b>	<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.</u>
<b>PEAK HOUR TRIPS</b>	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.
<b>PEDESTRIAN LIGHTING</b>	Exterior lighting scaled to pedestrians.
<b>PEDESTRIAN WALKWAY</b>	An on-site pedestrian access way connecting building entrances, parking areas, and the larger sidewalk network around the site.
<b>PEDIMENT</b>	The triangular upper part of the front of a building in classical style, typically surmounting a portico of columns.
<b>PENALTY</b>	Punishment for violation of a law or rule.
<b>PENNANT</b>	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.
<b>PERFORMANCE GUARANTEE</b>	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.
<b>PERIMETER BUFFER</b>	See "Buffer, Perimeter."
<b>PERIMETER PARKING LOT LANDSCAPING</b>	Required landscaping located around the perimeter of a parking lot.
<b>PERSON</b>	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.
<b>PERSON CONDUCTING LAND-DISTURBING ACTIVITY</b>	Any person who may be held responsible for violation of any regulations governing land-disturbing activity, unless expressly provided otherwise.
<b>PERSONAL PROPERTY</b>	All forms of property, except real property.
<b>PERVIOUS</b>	A substance that allows water to pass through it.



**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

<b>DEFINITIONS</b>	
<b>UPPER-STORY RESIDENTIAL</b>	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.
<b>URBAN FOREST</b>	A densely wooded area located in a city or town.
<b>URBAN HEAT ISLAND</b>	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.
<b>URBAN OPEN SPACE SET-ASIDE</b>	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.
<b>URGENT CARE FACILITY</b>	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.
<b>USABLE OPEN SPACE</b>	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.
<b>USE</b>	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.
<b>UTILITY POLE</b>	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.
<b>UTILITY POLE, PUBLIC</b>	A utility pole owned, leased, or operated by the Town that is located in the public right-of-way.
<b>UTILITY, MAJOR</b>	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.
<b>UTILITY, MINOR</b>	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	
<b><u>VAPE, TOBACCO, AND CBD SHOP</u></b>	<a href="#">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.</a>

TA-2022-01-C Attachment 6



# ORDINANCE 2022-15

## ARTICLE 4: USES and MEASUREMENTS AND DEFFINITIONS

### 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	<a href="#">4.3.5.HH</a>
Parking Structure	.	.	.	.	S	S	P	P	P	P	P	P	P	P	A	<a href="#">4.3.5.II</a>
<a href="#">Pawn Shop</a>	.	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.JJ</a>
Pharmacy	.	.	.	.	.	S	P	P	.	.	.	S	P	P	A	<a href="#">4.3.5.KK</a>
Pool Hall	.	.	.	.	.	.	S	S	.	.	.	.	S	S	A	
Racetrack	.	.	.	.	.	.	.	.	S	.	S	.	.	.	.	
Recreational Vehicle Park	.	.	.	.	S	.	.	.	S	.	S	.	.	.	.	<a href="#">4.3.5.LL</a>
Repair Shop	.	.	.	.	.	.	P	P	P	.	.	.	P	P	A	<a href="#">4.3.5.MM</a>
Restaurant Indoor/Outdoor Seating	.	.	.	.	.	P	P	P	.	P	.	P	P	P	A	<a href="#">4.3.5.NN</a>
Restaurant with Drive-through/Drive-up Service	.	.	.	.	.	.	P	P	.	P	.	P	.	.	A	<a href="#">4.3.5.NN</a>
Restaurant, Walk-up Only	.	.	.	.	P	P	P	P	P	P	.	P	P	P	A	<a href="#">4.3.5.NN</a>
Retail, Bulky Item	.	.	.	.	.	.	S	P	P	.	.	.	.	.	A	<a href="#">4.3.5.OO</a>
Retail, Large Format	.	.	.	.	.	.	S	P	P	.	.	.	.	S	A	<a href="#">4.3.5.PP</a>
Retail Use, Other	.	.	.	.	.	P	P	P	P	.	.	.	P	P	A	
Self Service Storage, External Access Only	.	.	.	.	.	.	.	S	P	.	P	.	.	.	A	<a href="#">4.3.5.QQ</a>
Self Service Storage, Internal Access Only	.	.	.	.	.	.	S	S	P	.	P	.	.	P	A	<a href="#">4.3.5.QQ</a>
Shooting Range, Indoor	.	.	.	.	.	.	.	S	S	.	.	.	.	.	.	<a href="#">4.3.5.RR</a>
Specialty Eating Establishment	.	.	.	.	.	P	P	P	.	.	.	S	P	P	A	<a href="#">4.3.5.SS</a>
Tattoo and Piercing Establishment	.	.	.	.	.	.	P	P	.	.	.	.	.	S	A	
Theatre	.	.	.	.	.	P	P	P	.	.	.	.	P	P	A	
Truck Stop	.	.	.	.	.	.	.	P	P	.	P	.	.	.	.	<a href="#">4.3.5.TT</a>
<a href="#">Vape, Tobacco, and CBD Shop</a>	.	.	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	.	.	.	.	<a href="#">P</a>	<a href="#">P</a>	<a href="#">A</a>	<a href="#">4.3.5.UU</a>
Veterinary Clinic	.	.	.	.	.	P	P	P	.	.	.	.	P	P	A	<a href="#">4.3.5.VV</a>
<b>INDUSTRIAL USE CLASSIFICATION</b>																
Asphalt or Concrete Plant	.	.	.	.	.	.	.	.	S	.	S	.	.	.	.	<a href="#">4.3.6.A</a>

## ARTICLE 4: USES

4.3. Use-Specific Standards

4.3.5. Commercial Uses

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### **JJ. PAWN SHOPS**

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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**

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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.

### **H-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

<b>DEFINITIONS</b>	
<b>PARKING SPACE</b>	A location where an automobile or passenger truck is temporarily stored.
<b>PARKING SPACE, REVERSE ANGLE</b>	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.
<b>PARKING STRUCTURE</b>	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.
<b>PARKING STRUCTURE</b>	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.
<b>PARKING STUDY</b>	An analysis of the minimum number of off-street parking spaces necessary to serve a proposed use type.
<b>PASSENGER TERMINAL</b>	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.
<b>PASSIVE OPEN SPACE SET-ASIDE</b>	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.
<b><u>PAWN SHOP</u></b>	<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.</u>
<b>PEAK HOUR TRIPS</b>	As used in <u>Section 6.13, Transportation Impact Analysis</u> , the number of traffic units generated by and attracted to the proposed development during its heaviest hour of use.

.....

<b>V</b>	
<b><u>VAPE, TOBACCO, AND CBD SHOP</u></b>	<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.</u>

Adopted this the 4<sup>th</sup> day of October 2021

\_\_\_\_\_  
Robert S. Matheny - Mayor

SEAL

\_\_\_\_\_  
Lisa M. Markland - Town Clerk

STAFF REPORT  
ORDINANCE 2022-16  
AUTO-ORIENTED DESIGN REGULATIONS  
OCTOBER 4, 2021

**Topic:** **ORDINANCE 2022-16 (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 establishing 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, and Economic Regulations and Standards Action #1 and #2 of the Comprehensive Land Use Plan.

**Financial Analysis:**

Based on review of other municipalities, enhanced architectural design of auto-oriented uses results in higher program values and reduces the period of vacancy due to the adaptability of the buildings to new uses.

**Planning Board Recommendation/Consistency Statement:**

At the September 27, 2021, the Planning Board unanimously recommended approval of the proposed text amendments to Section 4.3.5 and 5.3.1.F.12 of the Unified Development Ordinance finding that the proposed text amendments 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 and are consistent with the examples provided in Section 3.4.3.F, and Section 3.4.4.D of the Unified Development Ordinance.

STAFF REPORT  
ORDINANCE 2022-16  
AUTO-ORIENTED DESIGN REGULATIONS  
OCTOBER 4, 2021

**Staff Recommendation:**

Recommends the Board of Commissioners approve of Ordinance 2022-16 and the text amendments as proposed.

**Attachments:**

1. Section 4.3.5 – Amendments to Several Uses
2. Section 5.3.1.F.12 – Design Standards
3. Example Photos
4. Ordinance 2022-16



**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:

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- ~~3.~~

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  - 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;

TA-2022-01-D Attachment 3 Photos



# ORDINANCE 2022-16

## 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:

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4. [New construction shall conform to the mixed-use design standards in section 5.3.2.](#)
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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

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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

~~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**

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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:

Adopted this the 4<sup>th</sup> day of October 2021

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Robert S. Matheny - Mayor


SEAL

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Lisa M. Markland - Town Clerk

STAFF REPORT  
ORDINANCE 2022-17, ORDINANCE 2022-18,  
ORDINANCE 2022-19, ORDINANCE 2022-20  
UDO CORRECTIONS  
OCTOBER 4, 2021

**Topic:** **ORDINANCE 2022-17, ORDINANCE 2022-18, ORDINANCE 2022-19, ORDINANCE 2022-20 (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).

STAFF REPORT  
ORDINANCE 2022-17, ORDINANCE 2022-18,  
ORDINANCE 2022-19, ORDINANCE 2022-20  
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OCTOBER 4, 2021

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).

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.

**Planning Board Recommendation:**

At the September 27, 2021 meeting, the Planning Board unanimously recommended approval of Sections 3.4.5, 3.4.6, 3.4.7, 4.3.5.G, 5.1.3., 5.1.4, 5.3.1, 5.3.2, 5.3.3, 5.8.7, 9.4, and tables 4.2.3 and 4.8.4.H of the UDO, finding the proposed text amendments are consistent with the Economic Development, Parks and Recreation, and Land Use and Development Policies of the Comprehensive Land Use Plan as noted in the Staff Report dated September 20, 2021.

**Staff Recommendation:**

Staff Recommends the Board of Commissioners approve Ordinance 2022-17, Ordinance 2022-18, Ordinance 2022-19 and Ordinance 2022-20 as proposed.

**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)

STAFF REPORT  
ORDINANCE 2022-17, ORDINANCE 2022-18,  
ORDINANCE 2022-19, ORDINANCE 2022-20  
UDO CORRECTIONS  
OCTOBER 4, 2021

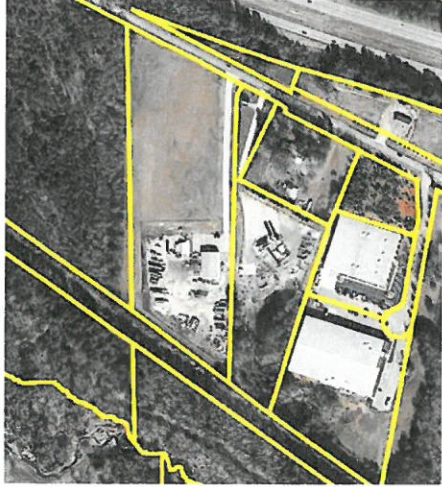
4. Section 4.2.3 (Uses removed from DTC – Boarding/ Rooming House, Duplex Dwelling, Family Care Home, Single Family Attached, Single family Detached, Triplex/Quadplex).
5. Section 4.3.5.G (Update Additional Standards – (Vehicle Location Standards)).
6. Section 5.1.3 and 5.1.4 (Corrections on access exemptions and access)
7. Section 5.3.1 (Correction of applicability for Commercial Design Standards)
8. Section 5.3.2 (Correction of Mixed-Use Design Standards)
9. Section 5.3.3 (Correction of Multi-Family Residential Design Standards)
10. Table 5.8.4.H (Correction of Single-Family Dwelling Parking Standards)
11. Section 5.8.7 (Correction to clarify location of guest parking standards)
12. Section 9.4 (Definitions of Best Management Practices (BMP) and Major Variance (Watershed))
13. Ordinance 2022-17
14. Ordinance 2022-18
15. Ordinance 2022-19
16. Ordinance 2022-20

**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
<p>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.</p>	

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)	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)	<del>50</del> 25	<del>40</del> 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**



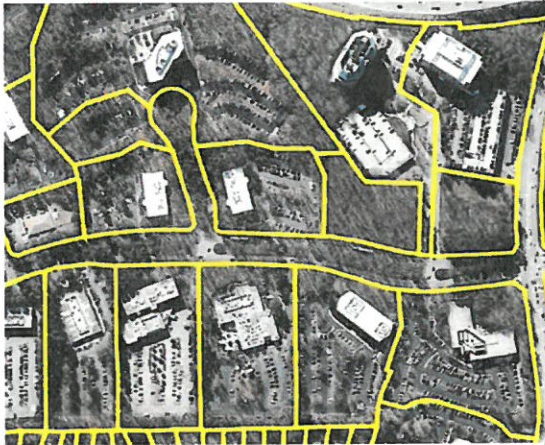

**E. DISTRICT-SPECIFIC STANDARDS**

**ARTICLE 3: DISTRICTS**

3.4. General Commercial Zoning Districts

3.4.6 Campus Industrial (CI) District

**3.4.6. CAMPUS INDUSTRIAL (CI) DISTRICT**

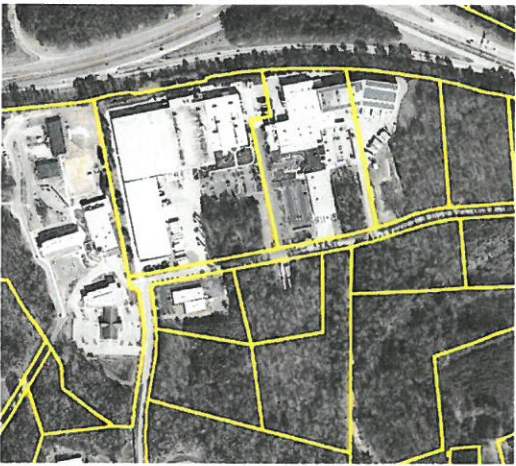

A. DISTRICT CHARACTER		B. EXAMPLE LOT PATTERN	
<p>The Campus Industrial (CI) district is established to accommodate modern, technologically-based, clean industrial development that takes place in highly controlled environments. Buildings and site activities are organized into a campus format, where off-street 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.</p>			
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)	5025	4020	
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)	<del>50</del> 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	
<b>RESIDENTIAL USE CLASSIFICATION</b>																
Assisted Living Facility	-	-	-	S	S	-	P	-	-	-	-	P	-	P	A	<a href="#">4.3.3.A</a>
Boarding/ Rooming House	-	S	S	S	P	P	-	-	-	-	-	S	P	P	A	<a href="#">4.3.3.B</a>
Bungalow Court	-	P	P	P	P	P	-	-	-	-	-	S	-	P	A	<a href="#">4.3.3.C</a>
Continuing Care Retirement Center	-	-	-	P	P	S	P	-	-	-	-	P	-	P	A	<a href="#">4.3.3.D</a>
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	<a href="#">4.3.3.E</a>
Group Home	-	-	-	S	S	S	-	-	-	-	-	S	-	S	A	<a href="#">4.3.3.F</a>
Halfway House	-	-	-	S	S	-	-	-	-	-	-	S	-	-	A	<a href="#">4.3.3.G</a>
Live/Work Dwelling	-	-	-	-	P	P	P	P	S	-	-	P	P	P	A	<a href="#">4.3.3.H</a>
Manufactured Dwelling:	[3]					-	-	-	-	-	-	[3]	-	-	A	<a href="#">4.3.3.I</a>
Manufactured Dwelling Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.3.3.J</a>
Mobile Home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.3.3.K</a>
Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">4.3.3.L</a>
Multi-family Dwelling	-	-	S	S	P	-	P	-	-	-	-	P	P	P	A	<a href="#">4.3.3.M</a>
Pocket Neighborhood	-	P	P	P	P	P	-	-	-	-	-	P	-	P	A	<a href="#">4.3.3.N</a>
Nursing Home	-	-	S	S	S	S	P	-	-	-	-	P	-	P	A	
Single-family Attached Dwelling	-	-	S	S	P	-	P	-	-	-	-	P	P	P	A	<a href="#">4.3.3.O</a>
Single-family Detached Dwelling	P	P	P	P	P	P	P	-	-	-	-	P	P	P	A	<a href="#">4.3.3.P</a>
Triplex/Quadplex	-	-	S	P	P	P	P	-	-	-	-	P	P	P	A	<a href="#">4.3.3.Q</a>
Upper-story Residential	-	-	-	P	P	P	P	P	P	P	-	P	P	P	A	<a href="#">4.3.3.R</a>
<b>INSTITUTIONAL USE CLASSIFICATION</b>																
Adult Day Care Center	-	-	-	-	S	-	P	P	-	-	-	P	-	S	A	<a href="#">4.3.4.A</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	<a href="#">4.3.4.B</a>
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	<a href="#">4.3.4.C</a>
Blood/Tissue Collection	-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	
Broadcasting Studio	-	-	-	-	-	-	P	P	P	-	-	-	P	P	A	<a href="#">4.3.4.D</a>

**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.
- ~~g.~~ 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.~~ 2. New multi-story development within the DTP district;
- ~~2.3.~~ 3. Live/work dwellings;
- ~~3.4.~~ 4. Upper story residential; and
- ~~4.5.~~ 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.~~ 2. Development in the DTC district;
- ~~2.1.~~ 3. Agriculture-related uses;
- ~~3.2.~~ 4. Renovation or redevelopment of existing structures; and
- ~~4.3.~~ 5. 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

## 5.3.2. 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**

<b>TABLE 5.8.4.H: MINIMUM OFF-STREET PARKING SPACES REQUIRED</b>	
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 or 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

<b>DEFINITIONS</b>	
<b>BERM</b>	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
<b>BEST MANAGEMENT PRACTICE (BMP)</b>	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.
<b>BICYCLE LANE</b>	A portion of a street designated solely for use by bicyclists.
<b>BICYCLE PARKING SPACE</b>	Land and facilities used for the parking of bicycles, including a mechanism for securing a parked bicycle.
<b>BIO-RETENTION CELL OR DEVICE</b>	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.
<b>BLOCK</b>	The land lying within an area bounded on all sides by streets.
<b>BLOCK FACE</b>	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.
<b>BLOOD/TISSUE COLLECTION</b>	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.
<b>BOARD OF ADJUSTMENT</b>	A quasi-judicial decision-making body responsible for hearing appeals and variance requests in Zebulon, North Carolina.
<b>BOARD OF COMMISSIONERS</b>	The Board of Commissioners of Zebulon, North Carolina.
<b>BOARDING/ROOMING HOUSE</b>	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.
<b>BOAT AND MARINE RENTAL, SALES, AND SERVICE</b>	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.
<b>BONA FIDE FARM</b>	<p>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:</p> <ol style="list-style-type: none"> <li>1. A farm sales tax exemption certificate issued by the Department of Revenue.</li> <li>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.</li> <li>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.</li> <li>4. A forest management plan.</li> </ol>

**ARTICLE 9: MEASUREMENT AND DEFINITIONS**

<b>DEFINITIONS</b>	
<b>LOT, FLAG</b>	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.
<b>LOT, THROUGH</b>	A lot having frontage on two parallel or approximately parallel streets.
<b>LOTS</b>	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.
<b>LOUVERS</b>	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.
<b>LOWEST ADJACENT GRADE</b>	The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
<b>LOWEST FLOOR</b>	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"> <li>(a) The basement (if one exists);</li> <li>(b) The top of the lowest floor in A Zones;</li> <li>(c) The bottom of or lowest structural member in V Zones;</li> <li>(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).</li> </ul>
<b>LUMEN</b>	A quantitative unit measuring the amount of light emitted by a light source.
<b>LUMINOUS TUBE LIGHTING</b>	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.
<b>M</b>	
<b>MAJOR CHANGE</b>	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.
<b>MAJOR VARIANCE (WATERSHED)</b>	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 <a href="#">ZebulongZebulon</a> . The Stormwater Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption.
<b>MAKERSPACE</b>	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.

**ORDINANCE 2022-17**  
**ARTICLE 3: DISTRICTS**

3.4. General Commercial Zoning Districts

3.4.5 Light Industrial (LI) District

**3.4.5. LIGHT INDUSTRIAL (LI) DISTRICT**

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)	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)	<del>50</del> 25	<del>40</del> 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

....

**3.4.6. CAMPUS INDUSTRIAL (CI) DISTRICT**

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)	<del>50</del> 25	<del>40</del> 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

....

**ARTICLE 3: DISTRICTS**

3.4. General Commercial Zoning Districts

3.4.7 Heavy Industrial (HI) District

**3.4.7. HEAVY INDUSTRIAL (HI) DISTRICT**

....

<b>C. DISTRICT DIMENSIONAL STANDARDS</b>	
<b>STANDARD</b>	<b>REQUIREMENT</b>
Minimum Lot Area (square feet)	30,000
Minimum Lot Width (linear feet)	150
Maximum Lot Coverage (% of lot area)	60
Minimum Street Setback (feet)	<del>50</del> 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

....

Adopted this the 4<sup>th</sup> day of October 2021

\_\_\_\_\_  
Robert S. Matheny - Mayor

SEAL

\_\_\_\_\_  
Lisa M. Markland - Town Clerk

**ORDINANCE 2022-18**  
**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	
<b>RESIDENTIAL USE CLASSIFICATION</b>																
Assisted Living Facility	.	.	.	S	S	.	P	.	.	.	.	P	.	P	A	<a href="#">4.3.3.A</a>
Boarding/ Rooming House	.	S	S	S	P	P	.	.	.	.	.	S	P	P	A	<a href="#">4.3.3.B</a>
Bungalow Court	.	P	P	P	P	P	.	.	.	.	.	S	.	P	A	<a href="#">4.3.3.C</a>
Continuing Care Retirement Center	.	.	.	P	P	S	P	.	.	.	.	P	.	P	A	<a href="#">4.3.3.D</a>
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	<a href="#">4.3.3.E</a>
Group Home	.	.	.	S	S	S	.	.	.	.	.	S	.	S	A	<a href="#">4.3.3.F</a>
Halfway House	.	.	.	S	S	.	.	.	.	.	.	S	.	.	A	<a href="#">4.3.3.G</a>
Live/Work Dwelling	.	.	.	.	P	P	P	P	S	.	.	P	P	P	A	<a href="#">4.3.3.H</a>
Manufactured Dwelling	[3]					.	.	.	.	.	.	[3]	.	.	A	<a href="#">4.3.3.I</a>
Manufactured Dwelling Park	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	<a href="#">4.3.3.J</a>
Mobile Home	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	<a href="#">4.3.3.K</a>
Mobile Home Park	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	<a href="#">4.3.3.L</a>
Multi-family Dwelling	.	.	S	S	P	.	P	.	.	.	.	P	P	P	A	<a href="#">4.3.3.M</a>
Pocket Neighborhood	.	P	P	P	P	P	.	.	.	.	.	P	.	P	A	<a href="#">4.3.3.N</a>
Nursing Home	.	.	S	S	S	S	P	.	.	.	.	P	.	P	A	
Single-family Attached Dwelling	.	.	S	S	P	.	P	.	.	.	.	P	P	P	A	<a href="#">4.3.3.O</a>
Single-family Detached Dwelling	P	P	P	P	P	P	P	.	.	.	.	P	P	P	A	<a href="#">4.3.3.P</a>
Triplex/Quadplex	.	.	S	P	P	P	P	.	.	.	.	P	P	P	A	<a href="#">4.3.3.Q</a>
Upper-story Residential	.	.	.	P	P	P	P	P	P	P	.	P	P	P	A	<a href="#">4.3.3.R</a>
<b>INSTITUTIONAL USE CLASSIFICATION</b>																
Adult Day Care Center	.	.	.	.	S	.	P	P	.	.	.	P	.	S	A	<a href="#">4.3.4.A</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	<a href="#">4.3.4.B</a>
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	<a href="#">4.3.4.C</a>
Blood/Tissue Collection	.	.	.	.	.	.	.	.	.	.	.	S	.	S	.	
Broadcasting Studio	.	.	.	.	.	.	P	P	P	.	.	.	P	P	A	<a href="#">4.3.4.D</a>

## 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:

- If the property abuts a lot in a residential zoning district, the following requirements shall be met:
  - A Type A perimeter buffer shall be provided along any lot line abutting a residential zoning district.
  - Side yards abutting a lot in a residential zoning shall be at least ten feet in width.
  - Side yards abutting a lot in a residential zoning shall be at least 20 feet in width.
- ~~C.~~ 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:

- Vehicle display areas shall be surfaced with concrete, asphalt, or other permanent surfacing material other than crushed stone;
  - No vehicles or other similar items shall be displayed on the top of a building;
  - All lights and lighting shall be designed and arranged so no source of light is directly visible from any adjacent property; and
  - 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:

- The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center.
- Vehicles shall not be parked or stored as a source of parts.
- 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.
- 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:

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Adopted this the 4<sup>th</sup> day of October 2021

\_\_\_\_\_  
Robert S. Matheny - Mayor

SEAL

\_\_\_\_\_  
Lisa M. Markland - Town Clerk

**ORDINANCE 2022-19**  
**ARTICLE 5: DEVELOPMENT STANDARDS**

**5.1. ACCESS AND CIRCULATION**

**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.

**5.3. DESIGN STANDARDS**

**5.3.1. COMMERCIAL DESIGN STANDARDS**

**A. 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.~~



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## ARTICLE 5: DEVELOPMENT STANDARDS

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5.3. Design Standards

5.3.1. Commercial Design Standards

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### 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.

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5.3. Design Standards

5.3.2. Mixed-Use Design Standards

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1. New development within the OI district;
- ~~1.2.~~ 2. New multi-story development within the DTP district;
- ~~2.3.~~ 3. Live/work dwellings;
- ~~3.4.~~ 4. Upper story residential; and
- ~~4.5.~~ 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. Agriculture-related uses;
- ~~3.2.~~ 3. Renovation or redevelopment of existing structures; and
- ~~4.3.~~ 4. Mixed-use development established prior to January 1, 2020.

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## ARTICLE 5: DEVELOPMENT STANDARDS

5.3. Design Standards

5.3.3. Multi-Family Residential Design Standards

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### 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.

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5.8. Parking and Loading

5.8.4. Off-Street Parking Requirements

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

USE TYPE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES [1] [2]
<b>RESIDENTIAL USE TYPES</b>	
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

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### 5.8.6.

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 or 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.

Adopted this the 4<sup>th</sup> day of October 2021

SEAL

\_\_\_\_\_  
Robert S. Matheny - Mayor

\_\_\_\_\_  
Lisa M. Markland - Town Clerk

# ORDINANCE 2022-20

## ARTICLE 9: 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

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.

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### 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 [Zebulong](#). 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.

Adopted this the 4<sup>th</sup> day of October 2021

\_\_\_\_\_  
Robert S. Matheny - Mayor

SEAL

\_\_\_\_\_  
Lisa M. Markland - Town Clerk

STAFF REPORT  
ORDINANCE 2022-21  
469 GREEN PACE ROAD  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2020

**Topic:** **ORDINANCE 2022-21 ANNEXATION REQUEST – 469 GREEN PACE ROAD**

**Speaker:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**From:** Michael J. Clark, AICP, CZO, Planning Director  
**Prepared by:** Meade O. Bradshaw, III, CZO, Assistant Planning Director  
**Approved by:** Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider the voluntary annexation petition (Project # 613189) received for approximately 2 acres located at 469 Green Pace Road (Pin # 1795795922).

**Background:**

North Carolina General Statutes grant municipalities authority to annex areas contiguous to their boundaries upon presentation of a petition signed by the owners of all the real property located within such area (§160A-31).

The subject property was rezoned to Light Industrial-Conditional in January 2021 (Ordinance 2051-50). Annexation is a condition of water service provided by the City of Raleigh. The conditional zoning approval for the site allows the structures to be connected to an on-site septic system instead of municipal sewer.

**Discussion:**

The discussion before the Board is consideration of the subject property's annexation into the Town of Zebulon Corporate Limits.

**Policy Analysis:**

The Board's adoption of the Future Land Use and Character map on June 7, 2021, designated this parcel as Industrial Light (IL). The annexation request is consistent with the Future Land Use and Character map.

The annexation meets the intent of the following Comprehensive Land Use Plan Policies of the Town's Comprehensive Land Use Plan:

- "Utility Connection" (Growth and Management Policy L) Continue to require annexation as a condition of utility service given no other capability for Town-initiated annexation. (Growth Capacity section, pg. 3)
- "Fiscal Impact" (Annexation and Growth Management Policy M): The site does not require the extension of existing services (Growth Capacity section, pg. 3)
- "Priorities" (Annexation and Growth Management Policy U): The proposed activity will be consistent with the Industrial Goals listed in the Land Use and Development

STAFF REPORT  
ORDINANCE 2022-21  
469 GREEN PACE ROAD  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2020

policies, and the Industrial Light Future Land Use Classification, (Growth Capacity section, pg. 4; Land Use and Development section, pg 4 and 20)

**Fiscal Analysis:**

The property is within existing service boundaries. Sanitation and recycling will be privately contracted.

The assessed value on the vacant property is \$217,800 and will provide approximately \$1,200 annually in property tax revenue. This revenue will increase as the property is improved with the construction of structures.

**Staff Recommendation:**

Following a receipt of comments from the public hearing and deliberation by the Board, Staff recommends approval of Ordinance 2022-21 and the annexation as it is consistent with Comprehensive Plan policies.

**Attachments:**

1. Application
2. Recorded Plat
3. Aerial Map
4. ETJ Map
5. Land Use Map
6. Site Pictures
7. Public Hearing Notice
8. Property Owner Notification
9. NCGS 160A-31
10. Certificate of Sufficiency
11. Ordinance 2022-21



# Town of Zebulon

## Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597  
Phone: (919) 823-1810 Fax: (919) 887-2824  
[www.townofzebulon.org](http://www.townofzebulon.org)

## ANNEXATION PETITION

### GENERAL INFORMATION:

In accordance with Section 2.2.2 of the UDO, upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

### INSTRUCTIONS:

**PRE-APPLICATION MEETING:** A pre-application meeting with staff in accordance with Section 2.3.2 of the UDO to verify the application requirements, processes, and procedures regarding a proposed request. To schedule a meeting, applicants must e-mail a pdf map, drawing, model, site or sketch plan to Assistant Planning Director Meade Bradshaw ([mbradshaw@TownofZebulon.org](mailto:mbradshaw@TownofZebulon.org)) no later than five (5) working days prior to the desired meeting day.

**FILE PETITION:** Submit hard copy application to the Planning Department with the applicable requirements in accordance with Section 2.2.2 of the UDO.

**CERTIFICATION OF SUFFICIENCY:** The Town Clerk shall investigate and certify whether the petition is legally sufficient. Only legally sufficient petitions shall be considered by the Town.

**REVIEW BY STAFF:** The Planning and Public Works Departments review the annexation submission. Comments will be sent to the applicant via email.

**LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Zebulon's website and in a paper of general circulation once no more than 25 days and one within 10 days of the date of the public hearing.

### BOARD OF COMMISSIONERS MEETING/PUBLIC HEARING:

The BOARD OF COMMISSIONERS Meeting is typically held the first Monday of each month. The Board of Commissioners will either adopt or deny an ordinance to extend the corporate limits of the Town of Zebulon.

**NOTICE OF DECISION:** The formal notice of decision shall be provided to the applicant in accordance with Section 2.3.9 of the UDO.

**RECORDATION:** If the annexation is approved by the Board of Commissioners, the Town Clerk will have the Annexation Plats recorded at the Wake County Register of Deeds. Wake County will keep one of the recorded plats, one copy will be returned to the Planning Department and the surveying company is given the remaining recorded Annexation Plat.



**APPLICATION FOR  
ANNEXATION**

**Application Requirements –**

The applicant requesting an annexation must submit a written application to the Zebulon Planning Department using the forms included in this packet

- Completed Application Form
- Petition Fee (Please See Fee Schedule)
- One (1) Legal Description (metes and bounds) of subject property
- Registered survey of subject property
- Certified List of Property Owners within 150 feet of subject property
- Agent Authorization Form
- Stamped envelopes addressed to Certified List of Property Owners all the homeowners

associations of those properties within 150 feet of the outer boundary subject property or properties.

- Affixed with the following return address:

Town of Zebulon  
Planning Department  
1003 N. Arendell Ave  
Zebulon, NC 27597






## APPLICATION FOR ANNEXATION

<b>PART 1. DESCRIPTION OF REQUEST/PROPERTY</b>		
Street Address of the Property: <b>469 GREEN PACE RD</b>		Total Acreage: <b>2</b>
Parcel Identification Number (NC PIN): Please include all <b>1795-79-5922</b>	Deed Book: <b>018395</b>	Deed Page(s): <b>01588</b>
Name of Project (if Applicable) <b>Watson Electrical Headquarters</b>	Current Zoning of the Property: <b>LI-CZ</b>	
Existing Use of the Property: <b>vacant</b>	Proposed Use of the Property: <b>office/warehouse/p</b>	
Reason for Annexation <b>As part of the recombination of the lot with adjacent parcel PIN #1796-80-2212 which is already within the Town of Zebulon's jurisdictional limits.</b>		

<b>PART 2. APPLICANT/AGENT INFORMATION</b>		
Name of Applicant/Agent: <b>Brian Richards</b>		
Street Address of Applicant/Agent: <b>555 Fayetteville St, 3rd floor</b>		
City: <b>Raleigh</b>	State: <b>NC</b>	Zip Code: <b>27601</b>
Email of Applicant/Agent: <b>brichards@urbandesignpartners.com</b>	Telephone Number of Applicant/Agent: <b>919.275.5002</b>	Fax Number of Applicant/Agent:
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.</b>

<b>PART 3. SURVEYOR INFORMATION</b>		
Name of Surveyor: <b>Daniel Burud</b>		
Street Address of Surveyor: <b>3803B Computer Dr, Suite 104</b>		
City: <b>Raleigh</b>	State: <b>NC</b>	Zip Code: <b>27609</b>
Email of Surveyor: <b>dburud@priestcraven.com</b>	Telephone Number of Property Owner: <b>919-422-3933</b>	Fax Number of Property Owner:
<i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
Signature of Surveyor 	Print Name: <b>DANIEL J. BURUD</b>	Date: <b>8/24/21</b>

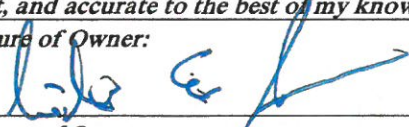


**APPLICATION FOR ANNEXATION**

**PART 4. PROPERTY OWNER INFORMATION**

To the Board of Commissioners of the Town of Zebulon, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 be annexed to the Town of Zebulon, Wake County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Zebulon, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)		
<i>I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
<i>Signature of Owner:</i> 	<i>Print Name:</i> Michael E Jordan, manager	<i>Date:</i> 8/20/21
<i>Signature of Owner:</i>	<i>Print Name:</i>	<i>Date:</i>
<i>Signature of Owner:</i>	<i>Print Name:</i>	<i>Date:</i>
<i>Signature of Owner:</i>	<i>Print Name:</i>	<i>Date:</i>
<i>Signature of Owner:</i>	<i>Print Name:</i>	<i>Date:</i>
<i>Signature of Owner:</i>	<i>Print Name:</i>	<i>Date:</i>
<i>Signature of Owner:</i>	<i>Print Name:</i>	<i>Date:</i>

STATE OF NC  
COUNTY OF Wake

Sworn and subscribed before me, Deborah L. Newman, a Notary Public for the above State and County, this the 20 day of August, 2021.

  
Notary Public

SEAL

DEBORAH L. NEWMAN  
Notary Public, North Carolina  
Wake County  
My Commission Expires  
2-6-24

2-6-24  
My Commission Expires:



APPLICATION FOR ANNEXATION

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the \_\_\_ day of \_\_\_, 20\_\_.

Corporate Name

SEAL

By: Attest: President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_, a Notary Public for the above State and County, this the \_\_\_ day of \_\_\_, 20\_\_.

Notary Public

SEAL

My Commission Expires:

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Site Investments, LLC By: JV management, LLC mgr a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 20 day of August, 20 21.

Name of Limited Liability Company
By: Site Investments, LLC
By: JV management, LLC mgr

Signature of Member/Manager Michael E Jordan manager

DEBORAH L. NEWMAN
Notary Public, North Carolina
Wake County
My Commission Expires 2-6-24

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Deborah L. Newman, a Notary Public for the above State and County, this the 20 day of August, 20 21.

Signature of Notary Public
Notary Public



**APPLICATION FOR  
ANNEXATION**

**COMPLETE IF IN A PARTNERSHIP**

In witness whereof, \_\_\_\_\_, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Name of Partnership

\_\_\_\_\_  
By: Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

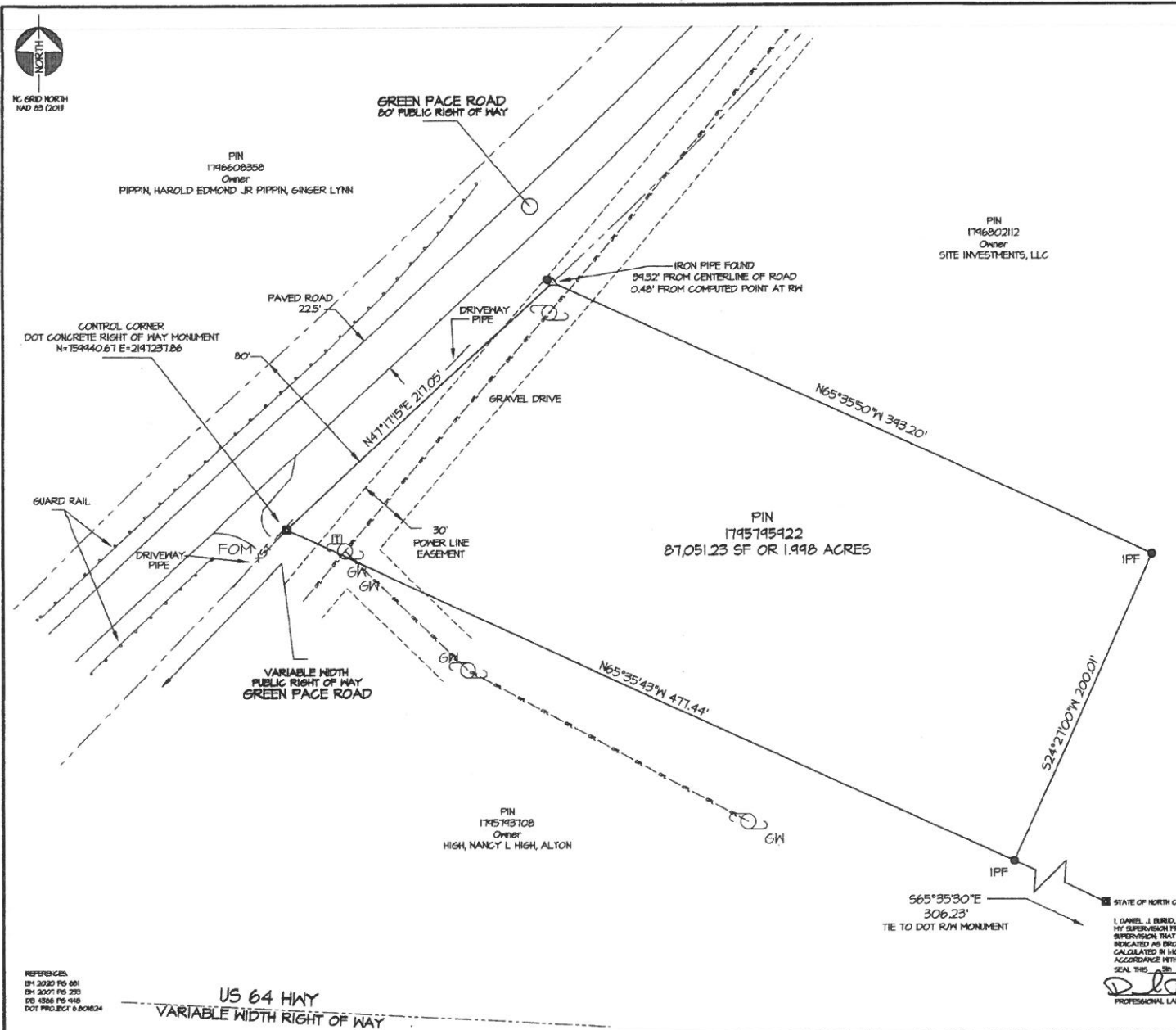
\_\_\_\_\_  
Notary Public

SEAL

\_\_\_\_\_  
My Commission Expires:



- NOTES:
1. ALL AREAS WERE COMPUTED BY COORDINATE CALCULATIONS.
  2. ALL DISTANCES SHOWN IN THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
  3. THIS SURVEY IS SUBJECT TO THE PROGRESS OF A COMPLETE AND ACCURATE OPINION OF TITLE AND DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE SUBJECT PROPERTY.
  4. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RIGHT-OF-WAY, UTILITIES OF RECORD, AND AGREEMENTS, IF ANY, AS THE SAME MAY APPEAR IN PUBLIC RECORDS IN THE OFFICE OF THE REGISTER OF DEEDS, CLERK OF COURT, TOWN OR COUNTY TAX OFFICES OR WHICH MAY HAVE BEEN ACQUIRED BY PRESCRIPTIVE USE.
  5. THIS MAP REPRESENTS A BOUNDARY SURVEY ONLY. OTHER PHYSICAL IMPROVEMENTS, UTILITIES, AND OTHER SURFACE OR SUB-SURFACE FEATURES MAY EXIST HEREON ARE NOT SHOWN HEREON.
  6. NO FEMA DESIGNATED FLOOD HAZARD AREAS AFFECT THIS SITE. (FIRM MAP # 23007R0001 & 23007R0004)
  7. THIS SURVEY HAS BEEN TIED TO THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD83 GRID. THE DATA WAS PRODUCED BY RTK GPS OBSERVATIONS AND PROCESSED USING THE NORTH CAROLINA VRS NETWORK. THE NETWORK POSITIONAL ACCURACY OF THE DERIVED POSITIONAL COORDINATES IS  $\pm 0.02$ '. ALL OTHER FIELD INFORMATION SHOWN ON THIS SURVEY HAS BEEN PRODUCED BY TRADITIONAL SURVEY METHODS.
  8. THIS PROPERTY IS ZONED HG.
  9. THIS PROPERTY IS UNIMPROVED.



REFERENCES:  
 84-2020 PG 401  
 84-2007 PG 295  
 80-1086 PG 440  
 DOT PROJ.ECT 6-80624

I, DANIEL J. BURRO, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES THAT THE RATIO OF PRECISION AS CALCULATED IN HOOKS, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 28th DAY OF MAY, 2020.

*Daniel J. Burro*  
 PROFESSIONAL LAND SURVEYOR - NC 1-3541



LEGEND	
—	PROPERTY LINE
- - - -	ADJONER LINES NOT SURVEYED
- - - -	EASEMENT
- - - -	FENCE LINE
- - - -	OVERHEAD POWER
⊙	UTILITY POLE
⊕	TELEPHONE PEDESTAL
⊕	FIBER OPTIC MARKER
⊕	CABLE VAULT
⊕	6IN WIRE
⊕	CONCRETE MONUMENT FOUND
⊕	PROPERTY CORNER FOUND
⊕	COMPUTED POINT
⊕	IRON PIPE FOUND

REVISIONS	

**BOUNDARY SURVEY FOR SITE INVESTMENTS, LLC**

TOWNSHIP: LITTLE RIVER COUNTY: WAKE STATE: 1  
 OWNER: SITE INVESTMENTS, LLC SCALE: 1"=40'

**PRIEST, CRAVEN & ASSOCIATES, INC.**

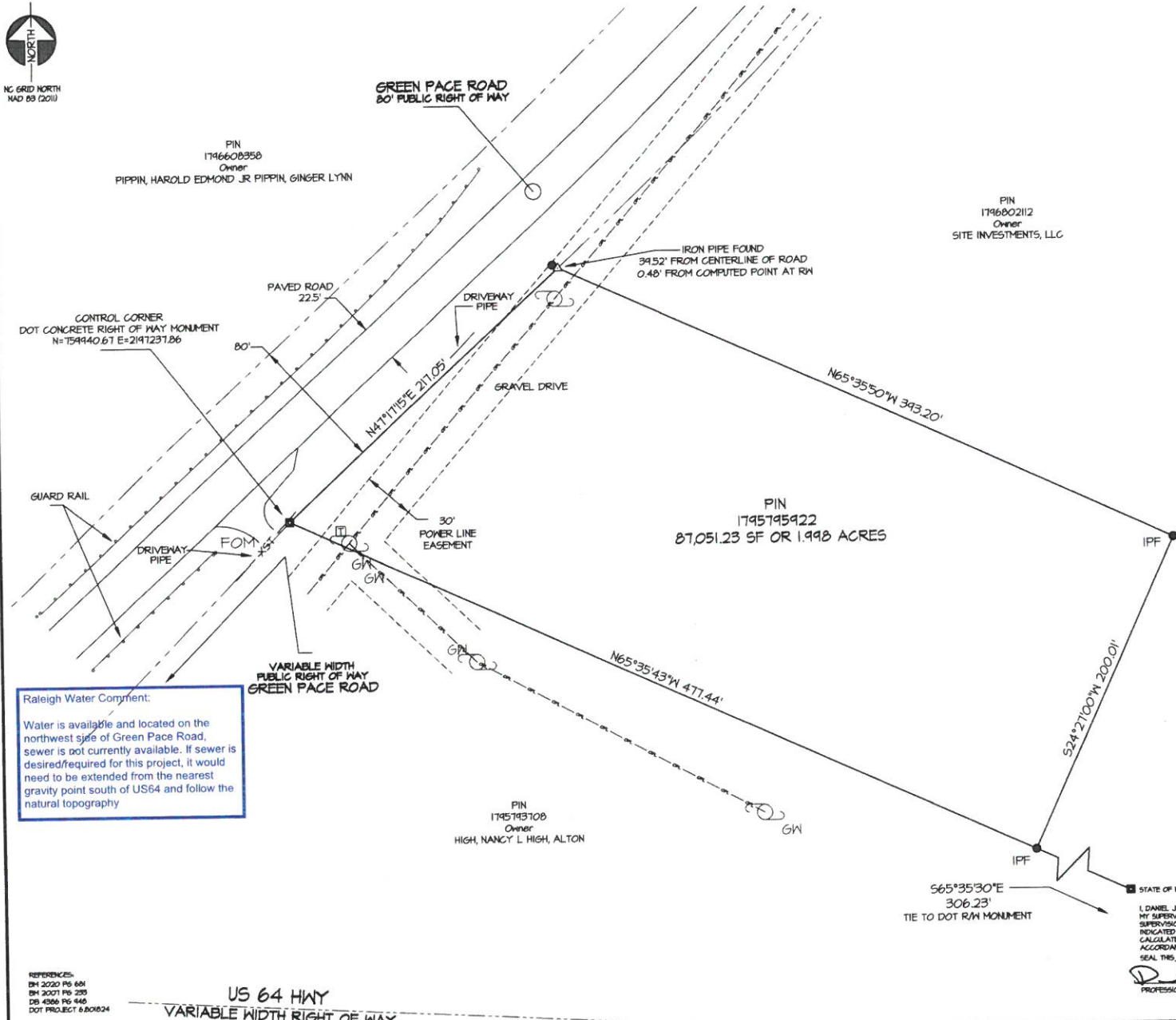
LAND USE CONSULTANTS PLANNERS/LANDSCAPE DESIGNERS/SURVEYORS/ENGINEERS  
 3838 Computer Drive, Suite 104, Raleigh, NC 27608. Phone 919/781-0000  
 SURVEYED BY: AL I PRANN BY: JAD CHECK & CLOSURE BY: JAD  
 SURVEY DATE: 04/02/2020 DRAWING NO.  
 COUNTY P.L.N. 17626222  
 2020-17



NC GRID NORTH  
NAD 83 (2011)



VICINITY MAP



PIN 1719600358  
Owner:  
PIPPIN, HAROLD EDMOND JR PIPPIN, GINGER LYNN

PIN 17196002112  
Owner:  
SITE INVESTMENTS, LLC

PIN 17195795922  
87,051.23 SF OR 1.998 ACRES

PIN 17195793708  
Owner:  
HIGH, NANCY L. HIGH, ALTON

PIN 17196002112  
Owner:  
SITE INVESTMENTS, LLC

CONTROL CORNER  
DOT CONCRETE RIGHT OF WAY MONUMENT  
N=159440.67 E=2191237.86

GUARD RAIL

DRIVEWAY PIPE

VARIABLE WIDTH  
PUBLIC RIGHT OF WAY  
GREEN PACE ROAD

Raleigh Water Comment:  
Water is available and located on the northwest side of Green Pace Road, sewer is not currently available. If sewer is desired/required for this project, it would need to be extended from the nearest gravity point south of US64 and follow the natural topography

- NOTES:
1. ALL AREAS WERE COMPUTED BY COORDINATE CALCULATIONS.
  2. ALL DISTANCES SHOWN IN THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
  3. THIS SURVEY IS SUBJECT TO THE FINDINGS OF A COMPLETE AND ACCURATE OPINION OF TITLE AND DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE SUBJECT PROPERTY.
  4. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RIGHT-OF-WAY, UTILITIES OF RECORD, AND AGREEMENTS, IF ANY, AS THE SAME MAY APPEAR IN PUBLIC RECORDS, IN THE OFFICE OF THE REGISTER OF DEEDS, CLERK OF COURT, TOWN OR COUNTY TAX OFFICES OR WHICH MAY HAVE BEEN ACQUIRED BY PRESCRIPTIVE USE.
  5. THIS MAP REPRESENTS A BOUNDARY SURVEY ONLY. OTHER PHYSICAL IMPROVEMENTS, UTILITIES, AND OTHER SURFACE OR SUB-SURFACE FEATURES MAY EXIST WHICH ARE NOT SHOWN HEREON.
  6. NO FEMA DESIGNATED FLOOD HAZARD AREAS AFFECT THIS SITE. FIRM MAP # 372078800J & 372078500J.
  7. THIS SURVEY HAS BEEN TIED TO THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD83). THE DATA WAS PRODUCED BY RTK GPS OBSERVATIONS AND PROCESSED USING THE NORTH CAROLINA VRS NETWORK. THE NETWORK POSITIONAL ACCURACY OF THE DERIVED POSITIONAL COORDINATES IS +/- 0.12'. ALL OTHER FIELD INFORMATION SHOWN ON THIS SURVEY HAS BEEN PRODUCED BY TRADITIONAL SURVEY METHODS.
  8. THIS PROPERTY IS ZONED NC.
  9. THIS PROPERTY IS UNIMPROVED.

565°35'30"E  
306.23'  
TIE TO DOT R/W MONUMENT

I, DANIEL J. BURD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES; THAT THE RATIO OF PRECISION AS CALCULATED IN 1/100,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED; WITNESS MY HAND AND SEAL THIS 29th DAY OF MAY, 2020.

*D. J. Burd* 5/15/21  
PROFESSIONAL LAND SURVEYOR - NC. L-3547 DATE



REFERENCES:  
BM 2020 PG 601  
BM 2007 PG 235  
DB 4386 PG 446  
DOT PROJECT 61318924

US 64 HWY  
VARIABLE WIDTH RIGHT OF WAY

LEGEND

- PROPERTY LINE
- ADJONER (LINES NOT SURVEYED)
- EASEMENT
- FENCE LINE
- OVERHEAD POWER
- UTILITY POLE
- TELEPHONE PEDESTAL
- FIBER OPTIC MARKER
- CABLE VAULT
- 60V WIRE
- CONCRETE MONUMENT FOUND
- PROPERTY CORNER FOUND
- COMPUTED POINT
- IRON PIPE FOUND

REVISIONS

**BOUNDARY SURVEY FOR SITE INVESTMENTS, LLC**

TOWNSHIP: LITTLE RIVER COUNTY: WAKE STATE: NC  
OWNER: SITE INVESTMENTS, LLC  
SCALE: 1"=40'

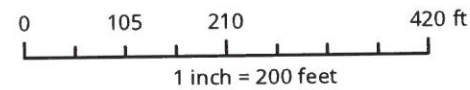
**PRIEST, CRAVEN & ASSOCIATES, INC.**

LAND USE CONSULTANTS PLANNERS/LANDSCAPE DESIGNERS/SURVEYORS/ENGINEERS  
3803B Computer Drive, Suite 104, Raleigh, NC 27609. Phone 919/781-0500

SURVEYED BY: AL I DRAWN BY: JAD CHECK & CLOSE BY: DJB  
SURVEY DATE: 10/26/2020 DRAWING NO.: 2020-17  
COUNTY: PIN 17195795922 ZONING: NC

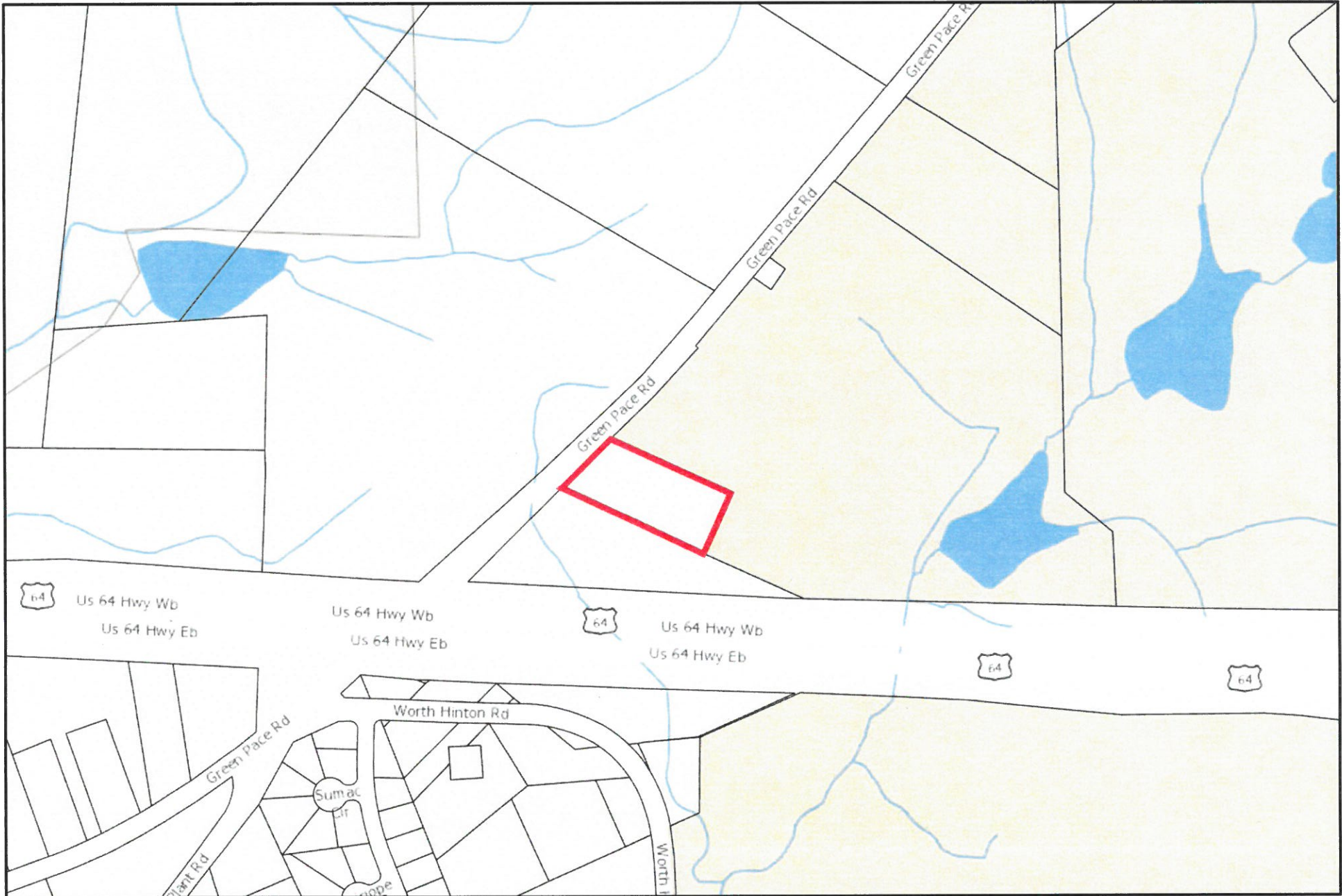


**Attachment 3 - Project 613189**  
**Aerial Map 469 Green Pace Road**

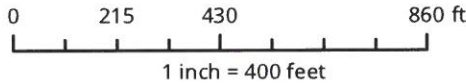


**Disclaimer**

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*

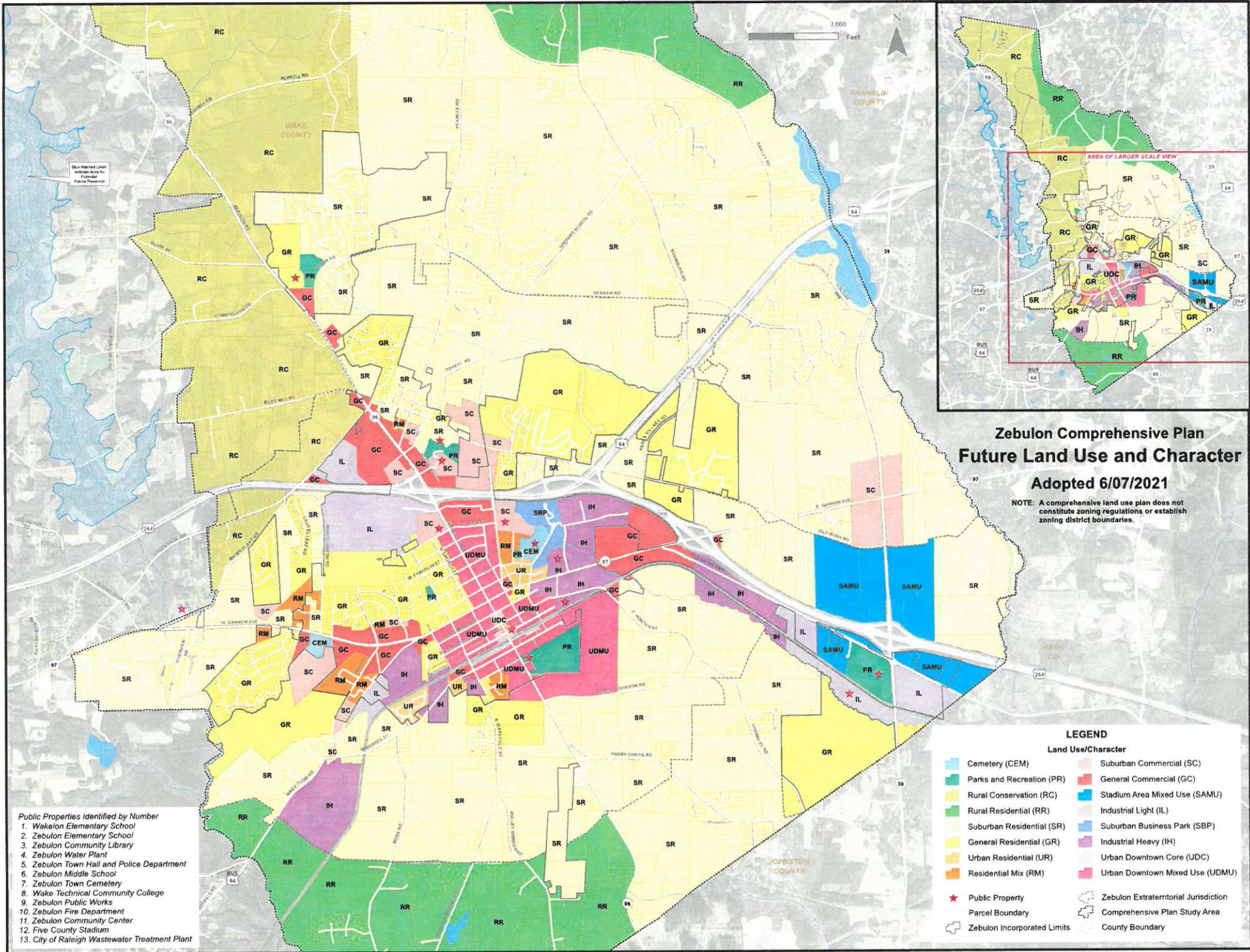


**Attachment 4 - Project 613189**  
**ETJ Map 469 Green Pace Road**



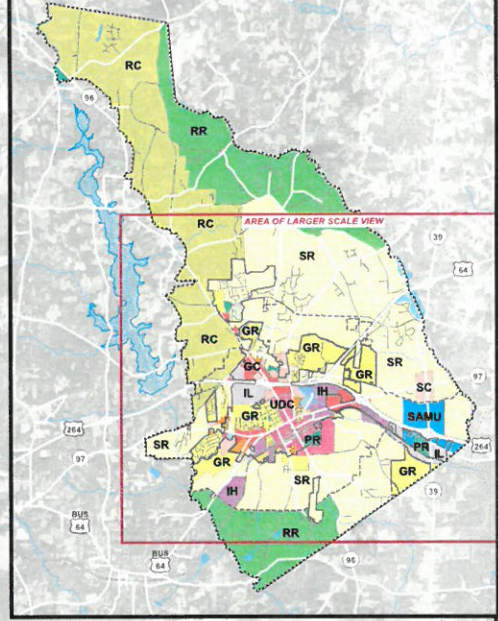
**Disclaimer**  
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## Zebulon Comprehensive Plan Future Land Use and Character Adopted 6/07/2021

NOTE: A comprehensive land use plan does not constitute zoning regulations or establish zoning district boundaries.



# Attachment 6 - Project 613189

## 469 Green Pace Road



**Attachment 6 - Project 613189**  
**469 Green Pace Road**





**Attachment 6 - Project 613189  
469 Green Pace Road**

Attachment 6 - Project 613189  
469 Green Pace Road



**Attachment 6 - Project 613189**  
**469 Green Pace Road**



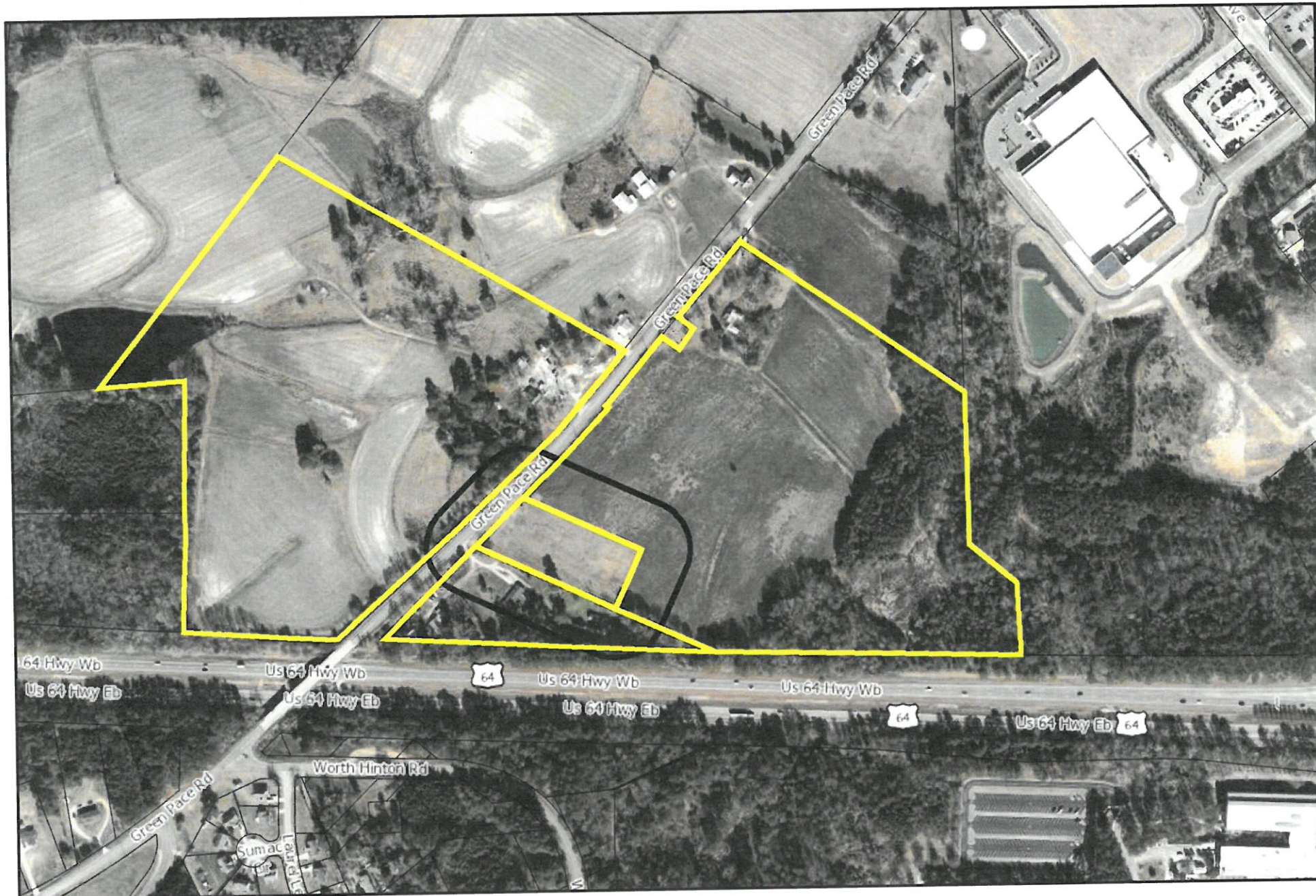
## Attachment 7, Project 613189

### Notice of Public Hearing

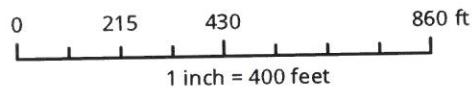
Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **October 4, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

***IDT Project Number: 613189; Watson Electric Headquarters.*** A request by Brian Richards, on the request of Site Investments, LLC, representing the property owner at 469 Green Pace Road (PIN # 1795795922), requesting annexation into the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at [SParatore@TownofZebulon.org](mailto:SParatore@TownofZebulon.org) no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at [www.TownofZebulon.org/services/planning](http://www.TownofZebulon.org/services/planning). For questions or additional information, please contact us at (919) 823-1809.



**Attachment 8 - Project 613189**  
**Properties Receiving Mailed Notice**  
**469 Green Pace Road**



**Disclaimer**  
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**§ 160A-31. Annexation by petition.**

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_
2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty-one percent (51%) of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area the population of which is no more than ten percent (10%) of that of the municipality and one-eighth of the aggregate external boundaries of which are contiguous to its boundaries, upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area. A municipality shall not be required to adopt more than one ordinance under this subsection within a 36-month period.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_.
2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_, and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. For petitions received under subsection (b1) or (j) of this section, the clerk shall receive the evidence provided under subsection (l) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or

on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(d1) Upon a finding that a petition submitted under subsection (j) of this section meets the requirements of this section, the governing body shall have the authority to adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d2) Upon a finding that a petition submitted under subsection (b1) of this section meets the requirements of this section, the governing body shall, within 60 days of the finding, estimate the capital cost to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and estimate the annual debt service payment that would be required if those costs were financed by a 20-year revenue bond. If the estimated annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance. If the estimated annual debt service payment is greater than or equal to five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body may adopt a resolution declining to annex the area. If such a resolution is adopted, the governing body shall immediately submit a request to the Local Government Commission to certify that its estimate of the annual debt service payment is reasonable based on established governmental accounting principles.

(1) If the Local Government Commission certifies the estimate, the municipality is not required to annex the area and no petition to annex the area may be submitted under subsection (b1) of this section for 36 months following the certification. During the 36-month period, the municipality shall make ongoing, annual good faith efforts to secure Community Development Block Grants or other grant funding for extending water and sewer service to all parcels in the areas covered by the petition. If sufficient funding is secured so that the estimated capital cost to the municipality for extending water and sewer service, less the funds secured, would result in an annual debt service payment cost to the municipality of less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(2) If the Local Government Commission notifies the governing board that the estimates are not reasonable based on established governmental accounting principles and that a reasonable estimate of the annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days of the notification adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d3) Municipal services shall be provided to an area annexed under subsections (b1) and (j) of this section in accordance with the requirements of Part 7 of this Article.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes

effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(j) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two-thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(k) The petition under subsection (j) of this section shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(j) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_.

2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_, and the boundaries of such territory are as follows:

(l) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (j) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households. (1947, c. 725, s. 8; 1959, c. 713; 1973, c. 426, s. 74; 1975, c. 576, s. 2; 1977, c. 517, s. 4; 1987, c. 562, s. 1; 1989 (Reg. Sess., 1990), c. 996, s. 3; 2011-57, s. 3; 2011-396, s. 10.)

**ZEBULON**

NORTH CAROLINA

1003 N. Arendell Avenue  
Zebulon, NC 27597  
919.823.1800

[www.townofzebulon.org](http://www.townofzebulon.org)

**Certificate of Sufficiency**  
**For Pin # 1795795922 – 2.0 acres**  
**469 Green Pace Road, Zebulon NC**

To the Board of Commissioners of the Town of Zebulon, North Carolina:

I, Lisa M. Markland, Clerk to the Zebulon Board of Commissioners, do hereby certify that I have investigated the petition attached hereto, and have found as a fact that said petition is signed by all the owners or their legal representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 27<sup>th</sup> day of August 2021.



  
Lisa M. Markland, CMC—Town Clerk

**Ordinance 2022-21**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE  
TOWN OF ZEBULON, NORTH CAROLINA**

**469 Green Pace Road of approximately  
2 acres Pin Number 1795795922**

**WHEREAS**, the Town of Zebulon has been petitioned under G.S. 160A-31 to annex the area as described below; and

**WHEREAS**, the Town of Zebulon has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 1003 N. Arendell Avenue at 7:00 PM on October 4, 2021 after due notice by publication in the Wake Weekly on September 24, 2021 and October 1, 2021;

**WHEREAS**, the Town of Zebulon finds that the petition meets the requirements of G.S. 160A-31;

**NOW, THEREFORE, BE IT ORDAINED**, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached following described territory (see attachment) to include the adjoining public right of way (see also attached map) is hereby annexed and made part of the Town of Zebulon as of October 4, 2021;

Section 2. Upon and after October 4, 2021, the described territory (see attachment) and its citizens and property shall be subject to all laws, ordinances and regulations in force in

the Town of Zebulon and shall be entitled to the same privileges and benefits as other parts of the Town of Zebulon. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor or Mayor Pro Tem of the Town of Zebulon shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this the 4<sup>th</sup> day of October 2021.

(SEAL)

\_\_\_\_\_  
Robert S. Matheny—Mayor

ATTEST:

APPROVED AS TO FORM:

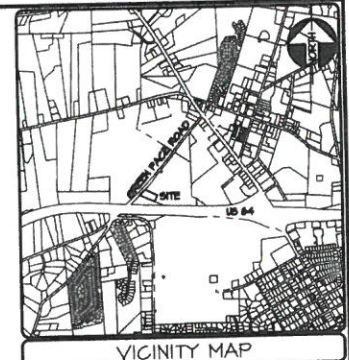
\_\_\_\_\_  
Lisa M. Markland, CMC—Town Clerk

\_\_\_\_\_  
Eric A. Vernon—Town Attorney

Return to: Town of Zebulon  
Lisa Markland  
1003 N. Arendell Avenue  
Zebulon, NC 27597  
Attention: Town Clerk



NC GRID NORTH  
NAD 83 (2011)



VICINITY MAP

PIN  
17196608358  
Owner  
PIPPIN, HAROLD EDMOND JR PIPPIN, GINGER LYNN

PIN  
17196602112  
Owner  
SITE INVESTMENTS, LLC

PIN  
17195195922  
87,051.23 SF OR 1.998 ACRES

- NOTES:
1. ALL AREAS WERE COMPUTED BY COORDINATE CALCULATIONS.
  2. ALL DISTANCES SHOWN IN THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
  3. THIS SURVEY IS SUBJECT TO THE FINDINGS OF A COMPLETE AND ACCURATE OPINION OF TITLE AND DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE SUBJECT PROPERTY.
  4. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RIGHT-OF-WAY UTILITIES OF RECORD, AND AGREEMENTS, IF ANY, AS THE SAME MAY APPEAR IN PUBLIC RECORDS, IN THE OFFICE OF THE REGISTER OF DEEDS, CLERK OF COURT, TOWN OR COUNTY TAX OFFICES OR WHICH MAY HAVE BEEN ACQUIRED BY PREScriptive USE.
  5. THIS MAP REPRESENTS A BOUNDARY SURVEY ONLY. OTHER PHYSICAL IMPROVEMENTS, UTILITIES, AND OTHER SURFACE OR SUB-SURFACE FEATURES MAY EXIST WHICH ARE NOT SHOWN HEREON.
  6. NO FEMA DESIGNATED FLOOD HAZARD AREAS AFFECT THIS SITE. FEMA MAP # 21021M0001 & 21021P0001
  7. THIS SURVEY HAS BEEN TIED TO THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM HAZARD GRID. THE DATA WAS PRODUCED BY RTK GPS OBSERVATIONS AND PROCESSED USING THE NORTH CAROLINA VRS NETWORK. THE NETWORK POSITIONAL ACCURACY OF THE DERIVED POSITIONAL COORDINATES IS  $\pm 0.02'$ . ALL OTHER FIELD INFORMATION SHOWN ON THIS SURVEY HAS BEEN PRODUCED BY TRADITIONAL SURVEY METHODS.
  8. THIS PROPERTY IS ZONED HC.
  9. THIS PROPERTY IS UNIMPROVED.

CONTROL CORNER  
DOT CONCRETE RIGHT OF WAY MONUMENT  
N=759440.61 E=2191237.86

PAVED ROAD  
22.5'

DRIVEMAY  
PIPE

IRON PIPE FOUND  
39.52' FROM CENTERLINE OF ROAD  
0.48' FROM COMPUTED POINT AT RM

GRAVEL DRIVE

$N65^{\circ}35'50''N$  393.20'

GUARD RAIL

DRIVEMAY  
PIPE

FOM

30'  
POWER LINE  
EASEMENT

VARIABLE WIDTH  
PUBLIC RIGHT OF WAY  
GREEN PACE ROAD

$N65^{\circ}35'43''N$  477.44'

$S24^{\circ}21'00''W$  200.01'

PIN  
17196602112  
Owner  
SITE INVESTMENTS, LLC

$S65^{\circ}35'30''E$   
306.23'  
TIE TO DOT R/W MONUMENT

STATE OF NORTH CAROLINA HAKE COUNTY

I, DANIEL J. BURRO, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES, THAT THE RATIO OF PRECISION AS CALCULATED IN 1/10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-300 AS AMENDED, WITNESS MY HAND AND SEAL THIS 28th DAY OF MAY, 2020.

*D. J. Burro* 5/15/20  
PROFESSIONAL LAND SURVEYOR NO. L-3547 DATE



Raleigh Water Comment:  
Water is available and located on the northwest side of Green Pace Road, sewer is not currently available. If sewer is desired/required for this project, it would need to be extended from the nearest gravity point south of US64 and follow the natural topography

REFERENCES:  
BM 3022 PS 661  
BM 3071 PS 225  
DB 4066 PS 445  
DOT PROJECT # 200824

US 64 HWY  
VARIABLE WIDTH RIGHT OF WAY

LEGEND	
	PROPERTY LINE
	ADJONER (LINES NOT SURVEYED)
	EASEMENT
	FENCE LINE
	OVERHEAD POWER
	UTILITY POLE
	TELEPHONE PEDESTAL
	FOM FIBER OPTIC MARKER
	CV CABLE VAULT
	GM GUY WIRE
	CONCRETE MONUMENT FOUND
	PROPERTY CORNER FOUND
	COMPUTED POINT
	IRON PIPE FOUND

REVISIONS

**BOUNDARY SURVEY FOR SITE INVESTMENTS, LLC**

TOWNSHIP, LITTLE RIVER COUNTY, HAKE STATE, NC  
OWNER, SITE INVESTMENTS, LLC

SCALE=1"=40'

**PRIEST, CRAVEN & ASSOCIATES, INC**

LAND USE CONSULTANTS PLANNERS/LANDSCAPE DESIGNERS/SURVEYORS/ENGINEERS  
3808B Computer Drive, Suite 104, Raleigh, NC 27608. Phone 919/781-0300

SURVEYED BY: AL DRAWN BY: JAD CHECK & CLOSEURE BY: DJB  
SURVEY DATED: 11/04/2020 PLANNING NO: 2020-17  
COUNTY PIN: 17195195922 ZONING: HC



STAFF REPORT  
ORDINANCE 2022-22  
1817 OLD US 264 HWY  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2021

**Topic:** **ORDINANCE 2022-22 ANNEXATION REQUEST – 1817 OLD US 264 HIGHWAY**

**Speaker:** Meade O. Bradshaw, III, CZO, Assistant Planning Director

**From:** Michael J. Clark, AICP, CZO, Planning Director

**Prepared by:** Meade O. Bradshaw, III, CZO, Assistant Planning Director

**Approved by:**  Joseph M. Moore II, PE, Town Manager

**Executive Summary:**

The Board of Commissioners will consider the voluntary annexation petition (Project Number 545166) received for approximately 16.18 acres located at 1817 Old US 264 Highway (PIN #2715830482). This is a legislative case.

**Background:**

North Carolina General Statute §160A-31 states that the governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. There has been a recommendation from the Board of Commissioners to expedite processes for development. The property was rezoned to Light Industrial-Conditional in April 2021 as Ordinance 2021-64.

The site is currently in review for the construction of an outdoor storage yard. While the proposed use will not connect into the municipal water and sewer infrastructure, one of the approved conditions was to annex the property. The petition was submitted within 30 days of the rezoning approval as required.

**Discussion:**

The discussion before the Board is whether or not to annex the subject property into the Town of Zebulon Corporate Limits.

**Policy Analysis:**

The Board's adoption of the Comprehensive Land Use Plan and the Future Land Use and Character map on June 7, 2021 designates this parcel as Stadium Area Mixed Use. The proposed use of the subject parcel is inconsistent with the Future Land Use and Character map, however was adopted before the adoption of the Comprehensive Land Use Plan.

The proposed annexation request is consistent with the following Comprehensive Plan Policies:

- "Fiscal Impact" (Annexation and Growth Management Policy M): The site does not require the extension of existing services (Growth Capacity section, pg. 3)

STAFF REPORT  
ORDINANCE 2022-22  
1817 OLD US 264 HWY  
REQUEST FOR ANNEXATION  
OCTOBER 4, 2021

- Economic Development Objectives (Annexation and Growth Management Policy R):  
The intended low-impact development of the site probably maintains the viability of its future re-development to a use more consistent with the those envisioned for the Five County Stadium Area (Growth Capacity section, pg. 4; Economic Development section, pg. 12).

**Fiscal Analysis:**

The property is within existing service boundaries. Sanitation and recycling will be privately contracted.

The assessed value on the vacant property is \$678,055 and will provide approximately \$3,700 annually in property tax revenue. This revenue will increase as the property is improved with the construction of structures.

**Staff Recommendation:**

Staff recommends approval of Ordinance 2022-22 the annexation as it is consistent with Comprehensive Plan policies.

**Attachments:**

1. Application
2. Recorded Plat
3. Aerial Map
4. ETJ Map
5. Land Use Map
6. Site Pictures
7. Public Hearing Notice
8. Property Owner notification
9. NCGS 160A-31
10. Certificate of Sufficiency
11. Ordinance 2022-22



April 30, 2021

Town of Zebulon  
Planning Department  
103 N. Arendell Avenue  
Zebulon, NC 27597

Re: Zebulon Outdoor Storage – Wake County PIN: 2715830482 (the property)

Subject: Annexation Petition

To: Planning Department Staff

CSD Engineering, on behalf of the owner is submitting a petition for annexation. One of the conditions of the conditional rezoning case for the property is to submit for annexation within 30 days; by May 4, 2021.

The following list is for the official transmittal of the submittal package and includes:

1. Completed Application form
2. One (1) Legal Description of the property (provided by Cale Galloway, PLS)
3. Land Survey of the property (certified by Cale Galloway, PLS)
4. Certified List of Property Owners within 150 feet of the property
5. Stamped envelopes addressed to Certified List of Property Owners (no homeowners associations are included in the list of properties); envelopes affixed with return labels for Town of Zebulon

The petition fee will be paid by the owner upon receiving invoice from the Town. To obtain all land planning entitlements, the landowner, Mr. Tommy Perry, has already authorized me to act as his agent (see signed owner's consent form for conditional rezoning).

CSD Engineering would like to assist by providing good communication through this process. Please do not hesitate to contact me at (919) 624-0997 (m) if you have any questions, comments and concerns at any time.

Sincerely yours,

A handwritten signature in blue ink that reads 'John F. Oglesby'.

John F. Oglesby, PE  
Vice President / Sr. Project Manager



<b>PART 1. DESCRIPTION OF REQUEST/PROPERTY</b>		
Street Address of the Property: <b>1817 OLD US HWY 264 ZEBULON, NC 27597</b>		Total Acreage: <b>15.28</b>
Parcel Identification Number (NC PIN): Please include all <b>2715830482</b>	Deed Book: <b>18096</b>	Deed Page(s): <b>1246</b>
Name of Project (if Applicable) <b>Zebulon Outdoor Storage, LLC</b>	Current Zoning of the Property: <b>HEAVY INDUSTRIAL (HI-CZ)</b>	
Existing Use of the Property: <b>VACANT</b>	Proposed Use of the Property: <b>LONG-TERM PARKING FACILITY FOR LARGE TRUCKS, BOX TRUCKS, TRAILERS, ETC.</b>	
Reason for Annexation <b>Required by Town for Conditional Rezoning</b>		

<b>PART 2. APPLICANT/AGENT INFORMATION</b>		
Name of Applicant/Agent: <b>Zebulon Outdoor Storage, LLC (Tommy Perry - Manager)</b>		
Street Address of Applicant/Agent: <b>20 Bunn Avenue</b>		
City: <b>Zebulon</b>	State: <b>NC</b>	Zip Code: <b>27597</b>
Email of Applicant/Agent: <b>tommy@perrycorpnc.com</b>	Telephone Number of Applicant/Agent: <b>919-422-5660</b>	Fax Number of Applicant/Agent: <b>(910) 791-1501</b>
Are you the owner of the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.</b>

JFO

<b>PART 3. SURVEYOR INFORMATION</b>		
Name of Surveyor: <b>Cale Galloway, PLS</b>		
Street Address of Surveyor: <b>7405 Walnut Grove Lane</b>		
City: <b>Zebulon</b>	State: <b>NC</b>	Zip Code: <b>27597</b>
Email of Surveyor:	Telephone Number of Property Owner: <b>252-565-2657</b>	Fax Number of Property Owner:

*I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.*

Signature of Surveyor 	Print Name: <b>Cale Galloway</b>	Date: <b>4/29/2021</b>
---------------------------	-------------------------------------	---------------------------



APPLICATION FOR ANNEXATION

**PART 4. PROPERTY OWNER INFORMATION**

To the Board of Commissioners of the Town of Zebulon, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 be annexed to the Town of Zebulon, Wake County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Zebulon, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.
4. I/We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A385.1 or G.S. 153A-344.1 must be declared and identified on this petition. I/We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

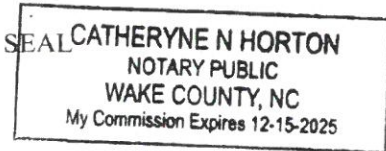
I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

Signature of Owner: 	Print Name: Tommy Perry	Date: 4/29/21
Signature of Owner:	Print Name:	Date:
Signature of Owner:	Print Name:	Date:
Signature of Owner:	Print Name:	Date:
Signature of Owner:	Print Name:	Date:
Signature of Owner:	Print Name:	Date:
Signature of Owner:	Print Name:	Date:

STATE OF NC  
COUNTY OF Wake

Sworn and subscribed before me, Catherlyne N Horton, a Notary Public for the above State and County, this the 29 day of April, 2021.

Notary Public



12-15-2025  
My Commission Expires:



COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the \_\_\_ day of \_\_\_, 20\_\_.

Corporate Name

SEAL

By: Attest: President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_, a Notary Public for the above State and County, this the \_\_\_ day of \_\_\_, 20\_\_.

Notary Public

SEAL

My Commission Expires:

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Zebulon Outdoor Storage a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 29 day of April, 2021. Name of Limited Liability Company

By: \_\_\_\_\_

Signature of Member/Manager [Handwritten Signature]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Catherine N. Horton, a Notary Public for the above State and County, this the 29 day of April, 2021.

[Handwritten Signature]
Notary Public

SEAL CATHERYNE N HORTON
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 12-15-2025

12-15-2025
My Commission Expires:



APPLICATION FOR ANNEXATION

COMPLETE IF IN A PARTNERSHIP

In witness whereof, \_\_\_\_\_, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Name of Partnership

\_\_\_\_\_  
By: Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County, this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

\_\_\_\_\_  
My Commission Expires:

Attachment 1, Project 545166

Being that certain parcel in Wake County, having parcel identification number 2715830482, as described in deed book 18096 page 1246 in the Wake County Registry, and more particularly described as follows:

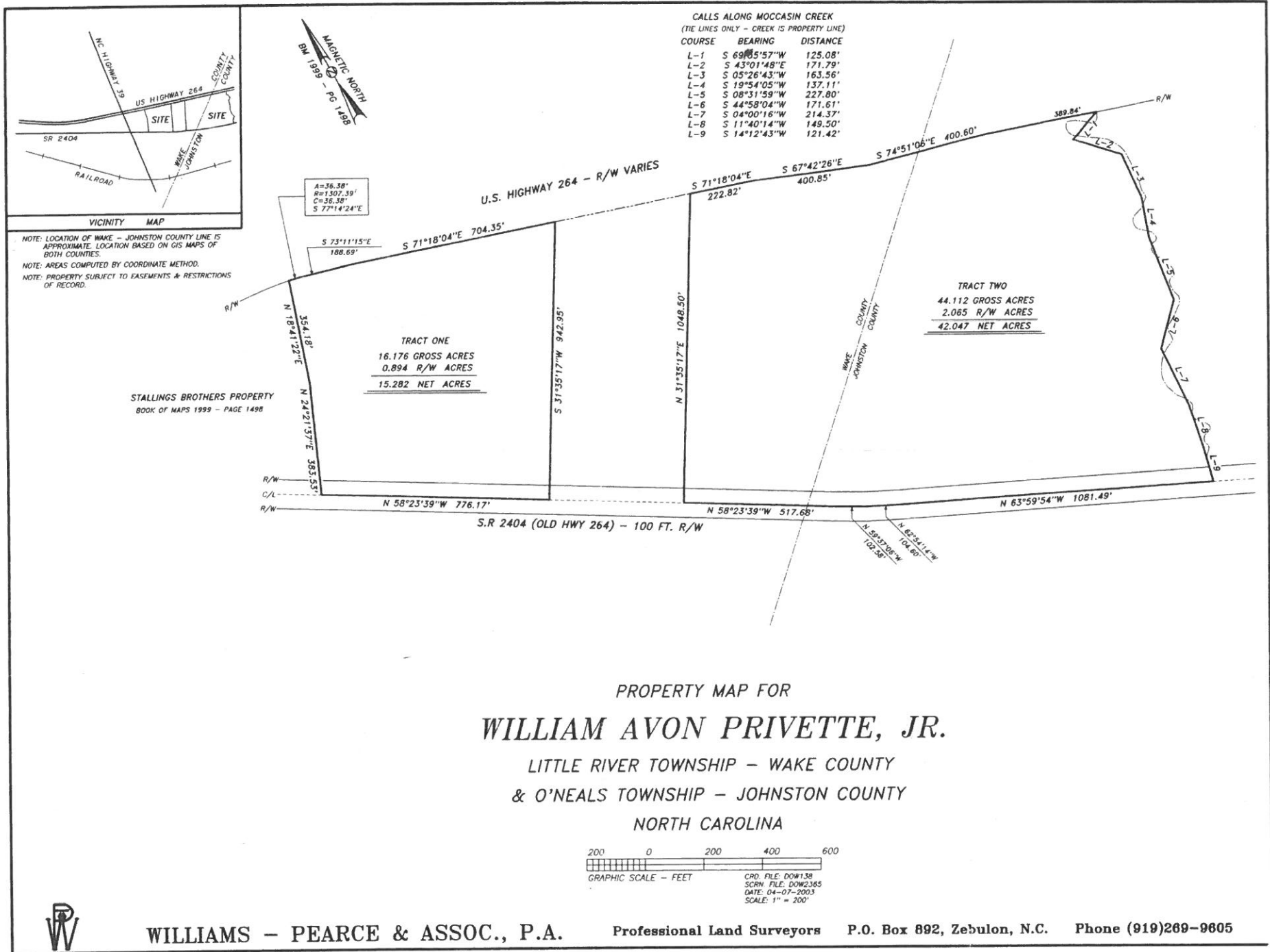
Starting from geodetic monument "WK 73" N 74° 43' 04" E for a distance of 1076.29 feet to a 3/4" existing iron pipe having NC Grid (NAD83/2011) coordinates of N: 753609.97, E: 2217758.87 and being the POINT OF BEGINNING; thence along a curve to the right having a radius of 1307.39 feet and chord bearing S 82° 35' 54" E and chord distance of 35.23 feet to an existing concrete monument; thence, S 77° 42' 13" E for a distance of 188.61 feet to an existing concrete monument; thence S 75° 48' 16" E a distance of 704.22 feet to a 1/2" existing iron stake; thence, S 27° 04' 35" W for a distance of 892.84 feet to a point referenced by a 1/2" existing iron stake 0.1 feet outside the right-of-way; thence, N 62° 56' 45" W for a distance of 782.26 feet to a point referenced by a 1" existing iron pipe 0.61' outside the right-of-way; thence, N 19° 57' 37" E for a distance of 333.59 feet to a 3/4" existing iron pipe; thence, N 14° 16' 34" E for a distance of 354.06 feet to the POINT OF BEGINNING and containing 15.275 acres more or less.



Attachment 1, Project 545166

Project: Zebulon Outdoor Storage  
 Subject: Adjacent Property Owners

Parcel No.	PIN	Property Owner Name	Local Contact	Contact Information	Property Owner Mailing Address	Property Address	Property Size	Zoning
1	2715737661	Stallings Brothers Inc	Jeff Stallings	Email: jeffstallings@gmail.com	<b>Po Box 40 Middlesex, NC 27557-0040</b>	Old US 264 Hwy Zebulon, NC	0.98	H I
2	2715736619	Stallings Brothers Inc	Jeff Stallings	Email: jeffstallings@gmail.com	<b>Po Box 40 Middlesex, NC 27557-0040</b>	Old US 264 Hwy Zebulon, NC	3.02	H I
3	2715731696	Stallings Brothers Inc	Jeff Stallings	Email: jeffstallings@gmail.com	<b>Po Box 40 Middlesex, NC 27557-0040</b>	NC 39 Hwy Zebulon, NC	5	H I
4	2715945116	Twin Lake Farmz, LLC	David Hicks	Email: dspencerh0214@gmail.com 919-427-3545 m	Phone: <b>2124 Winslowe Farm Dr. Zebulon, NC 27597-6805</b>	Old US 264 Hwy (Privette Prop) Zebulon, NC	26.98	R 2
5	2715836204	DUKE ENERGY PROGRESS Inc	Shane McKinney	Email: shane.mckinney@duke-energy.com 919-906-5480	Phone: 550 S. Tryon Street Charlotte, NC 28202-4200	<b>1825 Old US 264 Hwy Zebulon, NC 27597</b>	10	H I
6	2715826278	US FOOD SERVICE Inc	Joe Haywood	Email: joe.haywood@usfoods.com 919-404-4165 o; 252-813-5828 m	Phone: <b>1500 NC 39 Hwy Zebulon, NC 27597</b>	Old US 264 Hwy Zebulon, NC	7.3	L I
7	2715723642	USF PropCo LLC	Joe Haywood	Email: joe.haywood@usfoods.com 919-404-4165 o; 252-813-5828 m	Phone: <b>1500 NC 39 Hwy Zebulon, NC 27597</b>	1500 NC 39 Hwy Zebulon, NC	45.13	L I



WILLIAMS - PEARCE & ASSOC., P.A.

Professional Land Surveyors

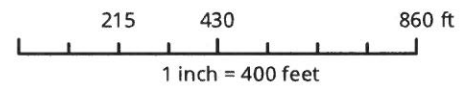
P.O. Box 892, Zebulon, N.C.

Phone (919)269-9605

28-C-14

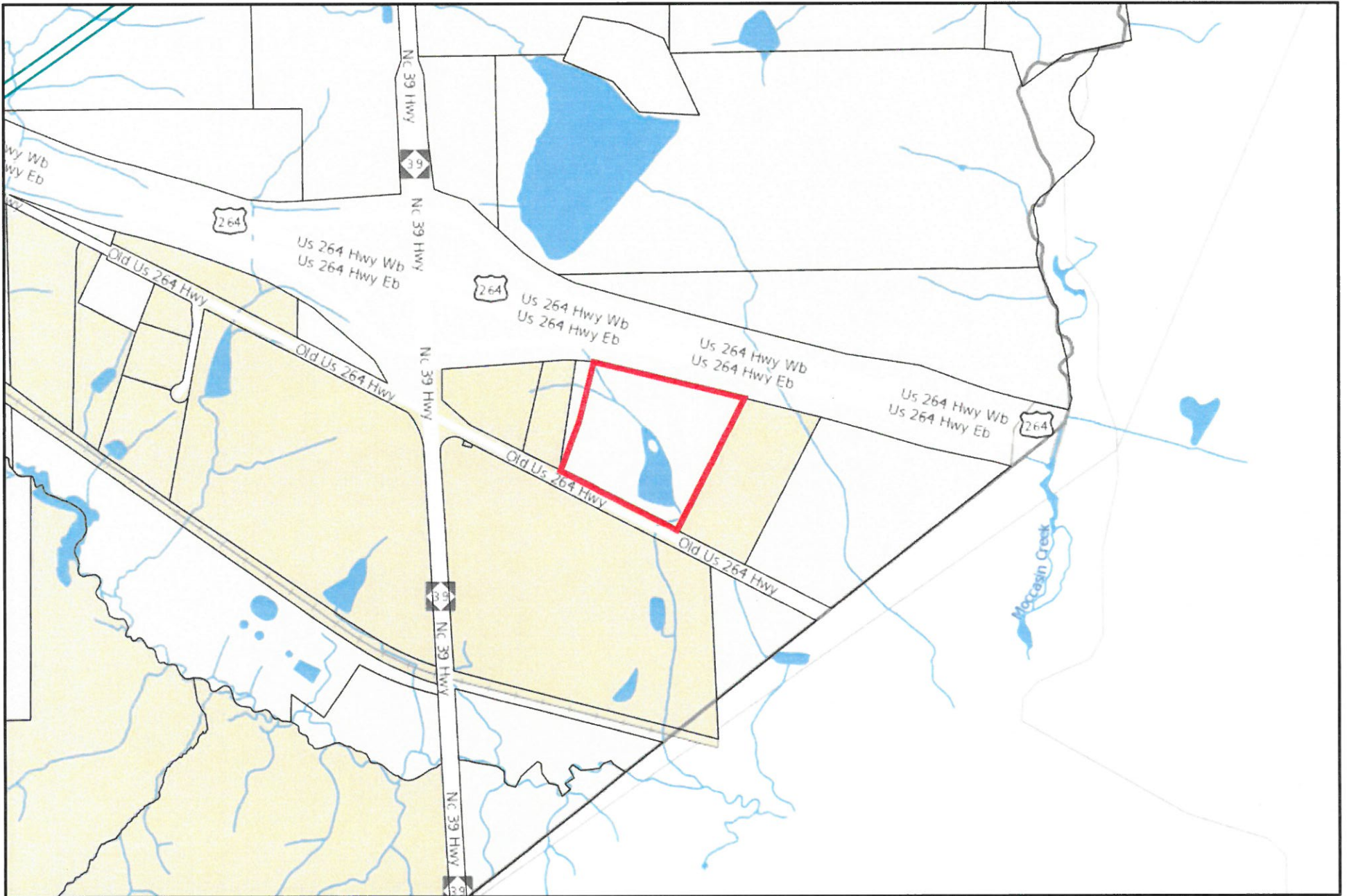


**Attachment 3 - Project 545166**  
**Aerial Map Zebulon Outdoor Storage**

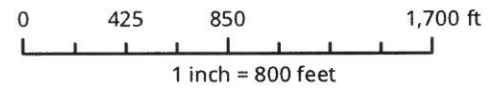


***Disclaimer***

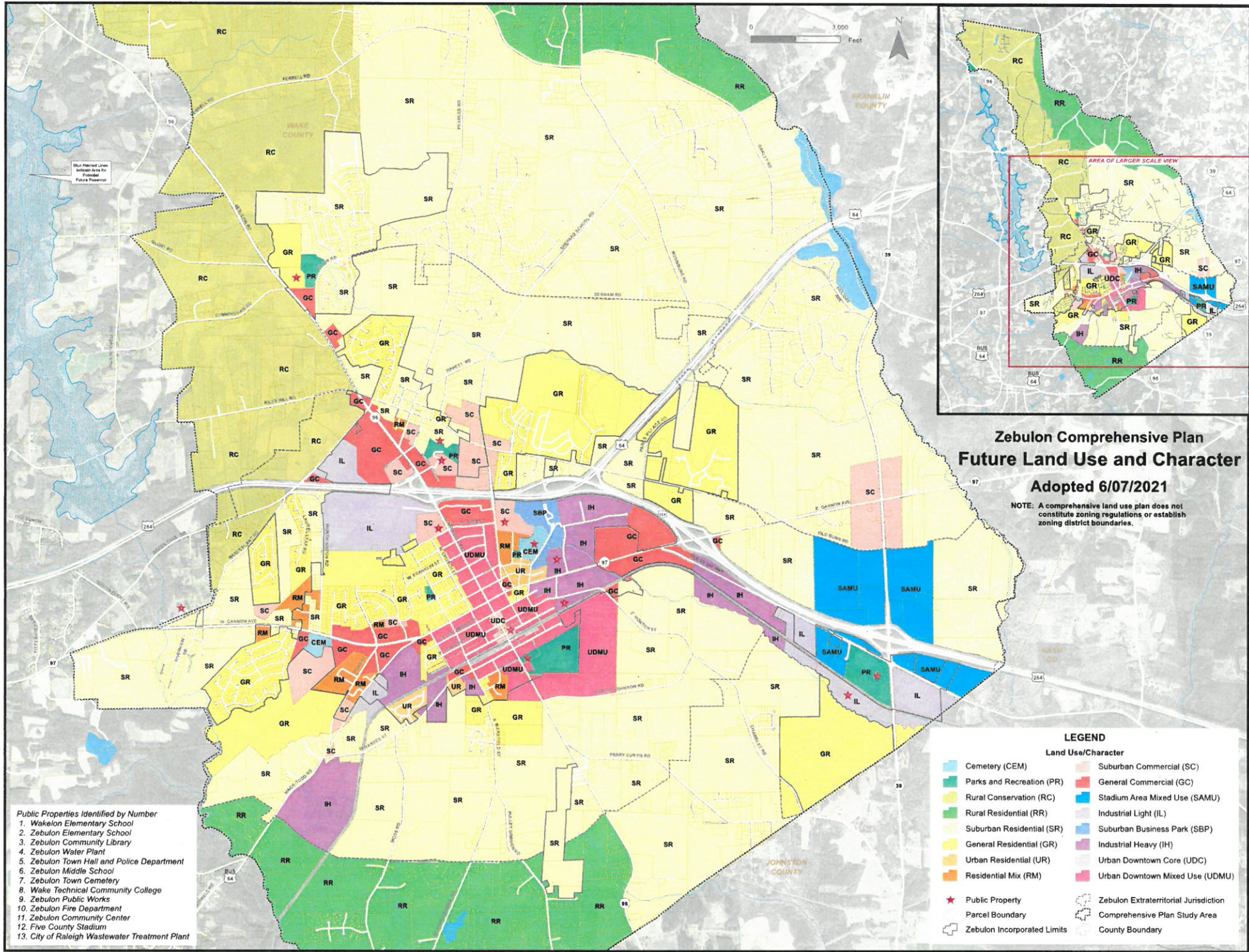
*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



**Attachment 4 - Project 545166**  
**ETJ Map Zebulon Outdoor Storage**



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## Zebulon Comprehensive Plan Future Land Use and Character Adopted 6/07/2021

NOTE: A comprehensive land use plan does not constitute zoning regulations or establish zoning district boundaries.

- Public Properties Identified by Number**
1. Wakeleon Elementary School
  2. Zebulon Elementary School
  3. Zebulon Community Library
  4. Zebulon Water Plant
  5. Zebulon Town Hall and Police Department
  6. Zebulon Middle School
  7. Zebulon Town Cemetery
  8. Wake Technical Community College
  9. Zebulon Public Works
  10. Zebulon Fire Department
  11. Zebulon Community Center
  12. Five County Stadium
  13. City of Raleigh Wastewater Treatment Plant

LEGEND	
Land Use/Character	
<span style="color: cyan;">■</span> Cemetery (CEM)	<span style="color: lightcoral;">■</span> Suburban Commercial (SC)
<span style="color: green;">■</span> Parks and Recreation (PR)	<span style="color: red;">■</span> General Commercial (GC)
<span style="color: yellow;">■</span> Rural Conservation (RC)	<span style="color: blue;">■</span> Stadium Area Mixed Use (SAMU)
<span style="color: lightgreen;">■</span> Rural Residential (RR)	<span style="color: lightgrey;">■</span> Industrial Light (IL)
<span style="color: lightyellow;">■</span> Suburban Residential (SR)	<span style="color: purple;">■</span> Suburban Business Park (SBP)
<span style="color: yellow;">■</span> General Residential (GR)	<span style="color: pink;">■</span> Industrial Heavy (IH)
<span style="color: orange;">■</span> Urban Residential (UR)	<span style="color: lightblue;">■</span> Urban Downtown Core (UDC)
<span style="color: lightorange;">■</span> Residential Mix (RM)	<span style="color: magenta;">■</span> Urban Downtown Mixed Use (UDMU)
<span style="color: red;">★</span> Public Property	<span style="border: 1px dashed black;">□</span> Zebulon Extraterritorial Jurisdiction
<span style="border: 1px solid black;">□</span> Parcel Boundary	<span style="border: 1px dotted black;">□</span> Comprehensive Plan Study Area
<span style="border: 1px solid black;">□</span> Zebulon Incorporated Limits	<span style="border: 1px dashed grey;">□</span> County Boundary

# Attachment 6 - Project 545166

## Zebulon Outdoor Storage





**Attachment 6 - Project 545166  
Zebulon Outdoor Storage**



**Attachment 6 - Project 545166  
Zebulon Outdoor Storage**





**Attachment 6 - Project 545166  
Zebulon Outdoor Storage**



**Attachment 6 - Project 545166  
Zebulon Outdoor Storage**



**Attachment 6 - Project 545166  
Zebulon Outdoor Storage**

## **Attachment 7, Project 545166**

### **Notice of Public Hearing**

Notice is hereby given pursuant to the provisions of Article 2.2.2 of the Town of Zebulon Unified Development Ordinance that a public hearing will be held on **October 4, 2021 at 7:00 PM** at the **Zebulon Municipal Complex, 1003 N. Arendell Avenue**, and will be conducted by the Board of Commissioners of the Town of Zebulon for the purpose of considering the following items:

***IDT Project Number: 545166; Zebulon Outdoor Storage.*** A request by John Oglesby, on the request of Zebulon Storage, LLC, representing the property owner 1817 Old US Highway 264 (PIN # 2715830482), requesting annexation into the Town of Zebulon's Corporate Limits.

Due to potential social distancing and occupancy limits related to the State's COVID-19 Order, in-person public comments will be accepted; however, the Town of Zebulon encourages that all public comments be submitted to Deputy Town Clerk Stacie Paratore at [SParatore@TownofZebulon.org](mailto:SParatore@TownofZebulon.org) no later than 12:00 Noon on the day of the hearing to be read into the record. The meeting will be streamed live and links will be provided along with the full application packet and documentation on the Planning Department web page at [www.TownofZebulon.org/services/planning](http://www.TownofZebulon.org/services/planning). For questions or additional information, please contact us at (919) 823-1809.



**Disclaimer**  
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

**Attachment 8 - Project 545166  
Properties Receiving Mailed Notice -  
Zebulon Outdoor Storage**

**§ 160A-31. Annexation by petition.**

(a) The governing board of any municipality may annex by ordinance any area contiguous to its boundaries upon presentation to the governing board of a petition signed by the owners of all the real property located within such area. The petition shall be signed by each owner of real property in the area and shall contain the address of each such owner.

(b) The petition shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_
2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_ and the boundaries of such territory are as follows:

(b1) Notwithstanding the provisions of subsections (a) and (b) of this section, if fifty-one percent (51%) of the households in an area petitioning for annexation pursuant to this section have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds, the governing board of any municipality shall annex by ordinance any area the population of which is no more than ten percent (10%) of that of the municipality and one-eighth of the aggregate external boundaries of which are contiguous to its boundaries, upon presentation to the governing board of a petition signed by the owners of at least seventy-five percent (75%) of the parcels of real property in that area. A municipality shall not be required to adopt more than one ordinance under this subsection within a 36-month period.

(b2) The petition under subsection (b1) of this section shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned owners of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(b1) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_.
2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_, and the boundaries of such territory are as follows:

(c) Upon receipt of the petition, the municipal governing board shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the result of the investigation. For petitions received under subsection (b1) or (j) of this section, the clerk shall receive the evidence provided under subsection (l) of this section before certifying the sufficiency of the petition. Upon receipt of the certification, the municipal governing board shall fix a date for a public hearing on the question of annexation, and shall cause notice of the public hearing to be published once in a newspaper having general circulation in the municipality at least 10 days prior to the date of the public hearing; provided, if there be no such paper, the governing board shall have notices posted in three or more public places within the area to be annexed and three or more public places within the municipality.

(d) At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or

on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

(d1) Upon a finding that a petition submitted under subsection (j) of this section meets the requirements of this section, the governing body shall have the authority to adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d2) Upon a finding that a petition submitted under subsection (b1) of this section meets the requirements of this section, the governing body shall, within 60 days of the finding, estimate the capital cost to the municipality of extending water and sewer lines to all parcels within the area covered by the petition and estimate the annual debt service payment that would be required if those costs were financed by a 20-year revenue bond. If the estimated annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance. If the estimated annual debt service payment is greater than or equal to five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body may adopt a resolution declining to annex the area. If such a resolution is adopted, the governing body shall immediately submit a request to the Local Government Commission to certify that its estimate of the annual debt service payment is reasonable based on established governmental accounting principles.

(1) If the Local Government Commission certifies the estimate, the municipality is not required to annex the area and no petition to annex the area may be submitted under subsection (b1) of this section for 36 months following the certification. During the 36-month period, the municipality shall make ongoing, annual good faith efforts to secure Community Development Block Grants or other grant funding for extending water and sewer service to all parcels in the areas covered by the petition. If sufficient funding is secured so that the estimated capital cost to the municipality for extending water and sewer service, less the funds secured, would result in an annual debt service payment cost to the municipality of less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(2) If the Local Government Commission notifies the governing board that the estimates are not reasonable based on established governmental accounting principles and that a reasonable estimate of the annual debt service payment is less than five percent (5%) of the municipality's annual water and sewer systems revenue for the most recent fiscal year, then the governing body shall within 30 days of the notification adopt an annexation ordinance for the area with an effective date no later than 24 months after the adoption of the ordinance.

(d3) Municipal services shall be provided to an area annexed under subsections (b1) and (j) of this section in accordance with the requirements of Part 7 of this Article.

(e) From and after the effective date of the annexation ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality. Real and personal property in the newly annexed territory on the January 1 immediately preceding the beginning of the fiscal year in which the annexation becomes

effective is subject to municipal taxes as provided in G.S. 160A-58.10. If the effective date of annexation falls between June 1 and June 30, and the effective date of the privilege license tax ordinance of the annexing municipality is June 1, then businesses in the area to be annexed shall be liable for taxes imposed in such ordinance from and after the effective date of annexation.

(f) For purposes of this section, an area shall be deemed "contiguous" if, at the time the petition is submitted, such area either abuts directly on the municipal boundary or is separated from the municipal boundary by the width of a street or street right-of-way, a creek or river, or the right-of-way of a railroad or other public service corporation, lands owned by the municipality or some other political subdivision, or lands owned by the State of North Carolina. A connecting corridor consisting solely of a street or street right-of-way may not be used to establish contiguity. In describing the area to be annexed in the annexation ordinance, the municipal governing board may include within the description any territory described in this subsection which separates the municipal boundary from the area petitioning for annexation.

(g) The governing board may initiate annexation of contiguous property owned by the municipality by adopting a resolution stating its intent to annex the property, in lieu of filing a petition. The resolution shall contain an adequate description of the property, state that the property is contiguous to the municipal boundaries and fix a date for a public hearing on the question of annexation. Notice of the public hearing shall be published as provided in subsection (c) of this section. The governing board may hold the public hearing and adopt the annexation ordinance as provided in subsection (d) of this section.

(h) A city council which receives a petition for annexation under this section may by ordinance require that the petitioners file a signed statement declaring whether or not vested rights with respect to the properties subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the city may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160A-385.1 or G.S. 153A-344.1 shall be binding on the landowner and any such vested right shall be terminated.

(i) A municipality has no authority to adopt a resolution or petition itself under this Part for annexation of property it does not own or have any legal interest in. For the purpose of this subsection, a municipality has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.

(j) Using the procedures under this section, the governing board of any municipality may annex by ordinance any distressed area contiguous to its boundaries upon presentation to the governing board of a petition signed by at least one adult resident of at least two-thirds of the resident households located within such area. For purposes of this subsection, a "distressed area" is defined as an area in which at least fifty-one percent (51%) of the households in the area petitioning to be annexed have incomes that are two hundred percent (200%) or less than the most recently published United States Census Bureau poverty thresholds. The municipality may require reasonable proof that the petitioner in fact resides at the address indicated.

(k) The petition under subsection (j) of this section shall be prepared in substantially the following form:

DATE:

To the \_\_\_\_\_ (name of governing board) of the (City or Town) of \_\_\_\_\_

1. We the undersigned residents of real property believe that the area described in paragraph 2 below meets the requirements of G.S. 160A-31(j) and respectfully request that the area described in paragraph 2 below be annexed to the (City or Town) of \_\_\_\_\_.



2. The area to be annexed is contiguous to the (City or Town) of \_\_\_\_\_, and the boundaries of such territory are as follows:

(l) For purposes of determining whether the percentage of households in the area petitioning for annexation meets the poverty thresholds under subsections (b1) and (j) of this section, the petitioners shall submit to the municipal governing board any reasonable evidence that demonstrates the area in fact meets the income requirements of that subsection. The evidence presented may include data from the most recent federal decennial census, other official census documents, signed affidavits by at least one adult resident of the household attesting to the household size and income level, or any other documentation verifying the incomes for a majority of the households within the petitioning area. Petitioners may select to submit name, address, and social security number to the clerk, who shall in turn submit the information to the Department of Revenue. Such information shall be kept confidential and is not a public record. The Department shall provide the municipality with a summary report of income for households in the petitioning area. Information for the report shall be gleaned from income tax returns, but the report submitted to the municipality shall not identify individuals or households. (1947, c. 725, s. 8; 1959, c. 713; 1973, c. 426, s. 74; 1975, c. 576, s. 2; 1977, c. 517, s. 4; 1987, c. 562, s. 1; 1989 (Reg. Sess., 1990), c. 996, s. 3; 2011-57, s. 3; 2011-396, s. 10.)

**ZEBULON**

**NORTH CAROLINA**

1003 N. Arendell Avenue  
Zebulon, NC 27597  
919.823.1800

[www.townofzebulon.org](http://www.townofzebulon.org)

**Certificate of Sufficiency**  
**For Pin # 2715830482**  
**1817 Old US Hwy 264 Zebulon NC**

To the Board of Commissioners of the Town of Zebulon, North Carolina:

I, Lisa M. Markland, Clerk to the Zebulon Board of Commissioners, do hereby certify that I have investigated the petition attached hereto, and have found as a fact that said petition is signed by all the owners or their legal representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have here unto set my hand and affixed the seal of the Town of Zebulon, this 9<sup>th</sup> day of September 2021.



A handwritten signature in cursive script that reads "Lisa M. Markland".

Lisa M. Markland, CMC—Town Clerk

**Ordinance 2022-22**

**AN ORDINANCE TO EXTEND THE CORPORATE LIMIT OF THE  
TOWN OF ZEBULON, NORTH CAROLINA**

**1817 Old US Hwy 264 Road of approximately  
16.18 acres Pin Number 2715830482**

**WHEREAS**, the Town of Zebulon has been petitioned under G.S. 160A-31 to annex the area as described below; and

**WHEREAS**, the Town of Zebulon has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 1003 N. Arendell Avenue at 7:00 PM on October 4, 2021 after due notice by publication in the Wake Weekly on September 24, 2021 and October 1, 2021;

**WHEREAS**, the Town of Zebulon finds that the petition meets the requirements of G.S. 160A-31;

**NOW, THEREFORE, BE IT ORDAINED**, the Board of Commissioners of the Town of Zebulon, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached following described territory (see attachment) to include the adjoining public right of way (see also attached map) is hereby annexed and made part of the Town of Zebulon as of October 4, 2021;

Section 2. Upon and after October 4, 2021 the described territory (see attachment) and its citizens and property shall be subject to all laws, ordinances and regulations in force in

the Town of Zebulon and shall be entitled to the same privileges and benefits as other parts of the Town of Zebulon. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor or Mayor Pro Tem of the Town of Zebulon shall cause to be recorded in the office of the Register of Deeds of Wake County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1

Adopted this the 4<sup>th</sup> day of October 2021.

(SEAL)

---

Robert S. Matheny—Mayor

ATTEST:

APPROVED AS TO FORM:

---

Lisa M. Markland, CMC—Town Clerk

---

Eric A. Vernon—Town Attorney

Return to: Town of Zebulon  
Lisa Markland  
1003 N. Arendell Avenue  
Zebulon, NC 27597  
Attention: Town Clerk

Being that certain parcel in Wake County, having parcel identification number 2715830482, as described in deed book 18096 page 1246 in the Wake County Registry, and more particularly described as follows:

Starting from geodetic monument "WK 73" N 74° 43' 04" E for a distance of 1076.29 feet to a 3/4" existing iron pipe having NC Grid (NAD83/2011) coordinates of N: 753609.97, E: 2217758.87 and being the POINT OF BEGINNING; thence along a curve to the right having a radius of 1307.39 feet and chord bearing S 82° 35' 54" E and chord distance of 35.23 feet to an existing concrete monument; thence, S 77° 42' 13" E for a distance of 188.61 feet to an existing concrete monument; thence S 75° 48' 16" E a distance of 704.22 feet to a 1/2" existing iron stake; thence, S 27° 04' 35" W for a distance of 892.84 feet to a point referenced by a 1/2" existing iron stake 0.1 feet outside the right-of-way; thence, N 62° 56' 45" W for a distance of 782.26 feet to a point referenced by a 1" existing iron pipe 0.61' outside the right-of-way; thence, N 19° 57' 37" E for a distance of 333.59 feet to a 3/4" existing iron pipe; thence, N 14° 16' 34" E for a distance of 354.06 feet to the POINT OF BEGINNING and containing 15.275 acres more or less.