
ZEBULON

NORTH CAROLINA

**TOWN OF ZEBULON
JOINT PUBLIC HEARING AGENDA
BOARD OF COMMISSIONERS AND PLANNING BOARD
APRIL 11, 2022
7:00 PM**

I. CALL TO ORDER

II. APPROVAL OF THE AGENDA

III. PUBLIC HEARING

A. Utility Allocation Policy – Amendment to create Section 1.5.7 of the Unified Development Ordinance to require development to meet the requirements of the Utility Allocation Policy.

B. Commercial Dumpster Enclosure Design – Amendments to Section 5.3.1.H and 5.3.2.F of the UDO to create regulations pertaining to dumpster enclosures for commercial and mixed use buildings.

C. Storm Water Control Measure Landscaping – Amendment to create Section 5.6.19 of the UDO to establish regulations pertaining to landscape requirements in and around Storm Water Control Measures (SCM).

IV. ADJOURNMENT

STAFF REPORT
TA – 2022-5 UTILITY ALLOCATION
AMENDMENT AND POLICY
APRIL 11, 2022
JOINT PUBLIC HEARING

Topic: Text Amendment 2022-05 Utility Allocation

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 Chapter 1 of the Unified Development Ordinance (UDO) to require developments to conform to a Utility Allocation Policy.

Background:

Through the Water/Sewer merger with the City of Raleigh, the Town has access to a certain amount of water and sewer capacity. The text amendment and accompanying utility allocation policy leverages this capacity to incentivize higher quality developments.

A utility allocation policy provides a list of options for developers to improve the quality of their project. A minimum threshold of improvements is necessary to gain access to the Town's water and sewer capacity. The text amendment provides details on when this policy would be required, and the policy provides specifics on how developers may obtain the necessary points to meet the threshold.

Discussion:

The public hearing is an opportunity to gather public comment. There is no discussion before the Board.

Policy Analysis:

The proposed text amendment and policy are tools to achieve the 2030 Strategic Plan's Growing Smart goal, and directly addresses the Comprehensive Land Use Plan's further refined strategy of using utilities as leverage to obtain high quality developments.

Financial Analysis:

The proposed text amendment and accompanying policy would incentivize high-quality development within the Town. Higher quality development correlates with higher property values (and increased tax revenue), and decreased code and law enforcement costs.

Staff Recommendation:

Staff Recommends conducting a public hearing and approving the proposed text amendment and policy at the next meeting.

Attachments:

1. Chapter 1 Text Amendment
2. Utility Allocation Policy
3. Application

ARTICLE 1: GENERAL PROVISIONS

1.6. Adopted Policy Guidance

A change in the ownership or form of ownership of any parcel or structure;

E. CHANGES IN TITLE

The creation or termination of easements, covenants, condominium titles, or other rights in land or development, where no street right-of-way dedication is involved; or

F. EXEMPT DIVISION OF LAND

Any division of land proposed as one of the activities specially listed as excluded from the definition of "subdivision" in Section 9.4, Definitions.

1.5.4. APPLICATION TO GOVERNMENTAL UNITS

To the extent allowed by law, this Ordinance shall apply to any development by Town, county, state, or federal agencies within the Town's planning jurisdiction, and any land, buildings, and structures—including uses thereof—owned or otherwise controlled by such agencies. Where this Ordinance does not control the development of land, buildings, and structures, such agencies are encouraged to meet the provisions of this Ordinance.

1.5.5. EMERGENCY EXEMPTIONS

The Town Manager may, without any otherwise required prior notice or public hearing, authorize Town agencies to deviate from the provisions of this Ordinance during and after an emergency (such as a hurricane or other storm, flooding, chemical spill or leak) when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this Ordinance.

1.5.6. MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted to the Town under the North Carolina General Statutes.

1.5.7. UTILITY ALLOCATION POLICY

In order to preserve and enhance property values, manage its limited water supply as a vital natural resource, promote economic development, and incentivize smart growth practices, the allocation of Zebulon's potable water and sanitary capacity shall adhere to an approved Utility Allocation Policy for the following development processes:

- A. Site Plan for development of non-residential site (new or redevelopment)
- B. Site Plan for residential development consisting of three or more dwellings
- C. Conditional Rezoning requests
- D. Planned Development requests
- E. Special Land Use Requests
- F. Major Subdivision Requests

1.6. ADOPTED POLICY GUIDANCE

1.6.1. POLICY GUIDANCE IDENTIFIED

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town's adopted policy guidance. This includes the Comprehensive Plan and all other Town-adopted policy guidance pertaining to land use and development.

1.6.2. CONFORMANCE

A. ADVISORY

Adopted policy guidance is advisory in nature and does not carry the effect of law. Except as provided in Section 160D-605 of the North Carolina General Statutes, consistency with adopted policy guidance shall not be a requirement for the continuing validity of any provision of this Ordinance.

ZEBULON

NORTH CAROLINA

MUNICIPAL UTILITY ALLOCATION POLICY

Statement of Purpose and Goals

Introduction

Drinking water supplies throughout the greater City of Raleigh distribution system are finite, subject to disruption by drought and/or other calamity and Zebulon's allocation is contractually limited. The Town staff, the Planning Board, and the Board of Commissioners have given a great deal of thought and study as to the best utilization of this valuable resource to benefit current and future citizens.

The Town of Zebulon's municipal water and sewer capacity is a valuable resource that must be conserved and apportioned to new development projects that promote the Town's policy of ensuring a diversified tax base and housing supply. Such an allocation policy will tend to promote diversity of housing available to a wide cross section of citizens of diverse socio-economic backgrounds and promote economic viability and sustainability by providing for retail and other commercial development within the Town of Zebulon.

In order to preserve and enhance property values, manage its limited water supply as a vital natural resource, promote economic development, and incentivize smart growth practices, the allocation of Zebulon's potable water capacity shall hereafter be in accordance with this policy.

Land Use and the Tax Base

The local government expense of providing fire and police protection, schools, parks, social services, water and sewage systems and other essential public services to residential neighborhoods is generally greater than the ad valorem tax revenue generated by such neighborhoods. On the other hand, the cost of providing services to commercial and industrial development is generally less than the tax revenue accruing to the local government. Having a predominantly residential tax base would require the Town of Zebulon over time to assess a higher tax levy to raise funds to provide essential services or to reduce the level of public services provided. This is one reason among many why local governments including Zebulon strive to achieve a balance of both residential and non-residential growth.

Zebulon's historical development pattern has fluctuated from being primarily industrial to residential leading to a current tax base of approximately 40% residential and 60% commercial/industrial. The following table shows Zebulon tax base components data over the past five years from the Wake County Tax Administration.¹

¹ "Tax Base Components | Wake County Government," *Wake County North Carolina*, <https://www.wakegov.com/departments-government/tax-administration/data-files-statistics-and-reports/tax-base-components>

Zebulon Tax Base (Past Five Years)

Fiscal Year	Commercial	Residential
2021-2022	60%	40%
2020-2021	65%	35%
2019-2020	72%	28%
2018-2019	73%	27%
2017-2018	71%	29%

As shown in the table above, the residential tax base has steadily increased proportionally over the past five years. This trend in the tax base data, combined with the vested planned residential development in the coming years, demonstrates the need for the Town to address this shift through policy. The Zebulon Board of Commissioners believes that it is fiscally responsible and otherwise in the public interest to promote and encourage non-residential development in the jurisdiction as an alternative to rapid residential development to keep the ratio between the two development types well balanced. A goal of maintaining a tax base of 60% residential and 40% commercial/industrial is hereby established.

Development Goals for the Full Build-Out of Zebulon

Communities without a wide variety of housing types and styles also put pressure on the Wake County Public School System which remains committed to having students of a wide range of socio-economic backgrounds attend each local school. In addition to the goal of maintaining a balanced tax base, the Town of Zebulon is committed to achieving a balance of housing types within its jurisdiction.

This commitment is consistent with both the Town’s Strategic Plan and Comprehensive Plan. The *Town of Zebulon: Vision 2030 Strategic Plan* lists “Growing Smart” as one of its three focus areas, calling for the planning of appropriate land uses and affordability of the community. The *Grow Zebulon Comprehensive Land Use Plan* identifies six guiding principles for the town. Two of those principles are “Zebulon will be BALANCED” and “Zebulon will be PRUDENT.” A balance should be achieved for the Town’s tax base, its land uses, and its housing types to allow for an affordable community with employment and business opportunities that will help the community prosper. The achievement of balance in Zebulon will contribute to the Town being prudent. As stated previously, a local government’s cost of providing services to commercial properties is generally less than that of residential properties. Having a balanced tax base that is not proportionally over-saturated with residential properties will contribute to keeping the Town financially sound.

Below are three development goals that are integral to the utility allocation policy and the future of the Town. These development goals apply to the entire, future Zebulon jurisdiction including the ETJ, short-range and long-range urban service areas.

GOAL #1: Maintain 60%-40% ratio of residential to non-residential tax values.

<p style="text-align: center;"><u>Upon Adoption-January 2021</u> 60% Residential - 40% Non-Residential</p>
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GOAL #2: Residential Housing Percentage Breakdown
SFD|TH|MF – 75%|10%|15% (Note – Duplex counted as MF)

<u>Upon Adoption-January 2021</u>				
80.5%		0.5%		19%

GOAL #3: Encourage Mixed Use Development to improve pedestrian connectivity to non-residential activity.

Policy and Procedures

Water Allocation

All existing parcels of real property within the corporate limits of Zebulon, regardless of proposed acreage, shape, or location as of the adoption of this ordinance are entitled to **115 gallons per day** of water allocation to build and sustain a single family or a limited business or commercial use. No additional water allocation will be awarded for proposed development except in accordance with the requirements of this policy.

Wastewater Connection

All projects considered for utility allocation must provide a wastewater system connection with adequate receiving capacity, as determined by the Wake County Health Department and/or City of Raleigh Public Utilities Department and approved by the Town of Zebulon Planning Director.

General Conditions & Requirements

- All proposed projects must be within the existing corporate limits or have filed a valid and complete petition for Voluntary Annexation.
- All proposed projects under consideration must have a complete application submitted for the appropriate Master Plan, Subdivision, Site Plan, Special Use Permit, Conditional Zoning Request, Zoning Compliance Permit, Building Permit, or any other necessary approval.
- All projects are subject to a Utility Allocation or Developer’s Agreement approved by the Town’s Board of Commissioners. If the Developer/Applicant fails to meet all terms of that agreement the unused allocation will be reclaimed, no new building permits will be issued, and no new connections to the water or wastewater systems will be permitted. Active building permits will have certificates of occupancy held until mitigating measures are agreed to by all parties.
- Projects with proven vested rights upon adoption of this ordinance will be permitted to finish their projects as previously approved.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained water allocation through the Town.
- Any third parties who buy land to build upon are bound by the approved Utility Allocation Agreement or Development Agreement for that property. If the agreement is not fulfilled, the above terms and conditions still apply regardless of who owns the land.

Compliance Required

This policy allocates municipal water in gallons per day for new development proposals, master plans, site plans, building plans, and/or structures seeking construction approval. Each phase of a phased development must comply with the terms and development schedule of an approved Utility Allocation

Agreement before the next phase can begin or the development risks loss of previously reserved allocation.

Previously dedicated but unused allocation can be reclaimed by the Town's Board of Commissioners for:

- (1) the lack of compliance with any existing Utility Allocation or Developer's Agreement;
- (2) violation of applicable town policy provision, ordinance standard, condition of approval;
- (3) violation of federal or state regulation; or
- (4) other good cause.

Utility Allocation Application Process

Upon receiving a new development proposal requesting water capacity, the Planning Staff shall direct the Developer/Applicant to demonstrate the project's qualifications. A Developer/Applicant shall state on the appropriate application, and stipulate within an approved Utility Allocation Agreement, the use or uses proposed to be built as part of the project along with the construction design and materials. Town action on the request will be deferred until the application is complete and the requested information has been provided.

Proposed projects shall complete the UTILITY ALLOCATION WORKSHEET according to its instructions to determine the total number of points achieved. The Utility Allocation Application package will be reviewed for completeness and compliance by the Technical Review Committee (TRC) in conjunction with the applicable development approval for the subject property (conditional rezoning, planned development, site plan, etc.).

Qualification for water allocation is judged by:

- The level of developer investment
- Anticipated increases in the Town's ad valorem tax base
- Construction and dedication of public infrastructure
- Provision of employment opportunities for Zebulon citizens
- Provisions of diversified housing stock
- Preservation of open space
- Protection of existing tree canopy
- Conservation of existing habitat
- The provision of recreational amenities for current or future Zebulon residents

Projects must be awarded **50 TOTAL POINTS** or more to merit water allocation.

Points are awarded in two categories, BASE POINTS and BONUS POINTS. BONUS POINTS are broken down into four categories.

1. Nonconformity Abatement and Public Infrastructure Improvements
2. Green Development Standards
3. Gateway and Transit Improvements

4. Amenities (Only for Projects with Residential Components)

Unless a project can gain all necessary BONUS POINTS from a single improvement identified in the approved list, improvements must be made from at least two of the categories of BONUS POINTS.

Expiration of Allocation Award

A developer/applicant who has secured allocation according to this policy and hasn't progressed in construction plan approval, building permit approval, or on-site construction for a period of 12 months will lose the award of allocation without benefit.

Annual Review of Policy & Appeals

This policy shall be reviewed in January of each year and, when appropriate, readjusted by the Town's Board of Commissioners. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

Appeals of any provision of this ordinance shall be decided upon by the Town's Board of Commissioners upon receiving a recommendation from the Planning Board.

BASE POINTS: List of Preferred Land Uses and Required Characteristics:

The uses listed below have been determined to be the most desirable and important uses for the Town of Zebulon to promote and maintain economic and housing diversity. Only projects that completely meet the stated performance characteristics will be considered for utility allocation.

45 Base Points	<p>Business Office/Professional Services Center</p> <p>Qualifying projects must exceed 100,000 square feet of heated floor space and create at least 150 employment positions that exceed the average annual Wake County salary according to Wake County Economic Development or the Employment Security Commission. Employees perform professional, scientific, and technical services for others. Such services require a high degree of expertise and training and provide high salaried employment opportunities. Examples include software engineering, legal, medical, accounting, consulting, architectural, biomedical, chemical, research and development, and administrative services.</p>
45 Base Points	<p>Finance and Insurance Center</p> <p>Finance and insurance establishments in this category exceed 100,000 square feet of heated floor space and create at least 150 employment positions that exceed the average annual Wake County salary according to Wake County Economic Development or the Employment Security Commission. Employees engage in financial transactions that create, liquidate, or change ownership of financial assets. They also pool financial risks by underwriting insurance and annuities. Some establishments support employee benefit programs. Examples include bank or credit union headquarters, brokerages, investments, insurance, financing and data processing establishments.</p>
45 Base Points	<p>Manufacturing/Industrial Employment Center</p> <p>Manufacturing or Industrial establishments in this category exceed 200,000 square feet of floor space located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who assemble or create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management) in conjunction on-site.</p>
45 Base Points	<p>Governmental Uses/Public Administration</p> <p>This category encompasses centers for all government functions; it includes federal, state, and local government agencies that administer, oversee, and manage public programs and budgets and have executive, legislative, or judicial authority. Establishments develop policy, create laws, adjudicate civil and criminal legal cases, and provide for public safety and national defense.</p>

42 Base Points	<p>Hotels, Motels, or other Accommodation Service Establishments</p> <p>This category serves lodging and short-term accommodations for travelers. They may offer a wide range of services, from overnight sleeping space to full-service hotel suites. They may offer these services in conjunction with other activities, such as entertainment or recreation. Stays in these establishments are generally less than one month. This classification does not include boarding or rooming houses.</p>
40 Base Points	<p>Arts/Entertainment/Museums</p> <p>These establishments operate facilities or provide services for a variety of cultural, entertainment, and performing art functions. Establishments include those that produce, promote, or participate in live performances, events, or exhibits intended for public viewing; those that preserve and exhibit objects and sites of historical, cultural, or educational interest; and those that operate facilities or provide services to serve activities associated with the aforementioned.</p>
40 Base Points	<p>Amusement, Sports or Recreational Establishment</p> <p>Establishments in this category operate either indoor or outdoor facilities offering family activities (i.e. sports, recreation, or amusement) and provide services, such as facilitating amusement in places operated by others, operating recreational sports groups and leagues. Examples include golf courses, indoor sports venues, bowling alleys, miniature golf courses, athletic clubs, skating rinks and arcades.</p>
40 Base Points	<p>Mixed Use Development (Transit Oriented)</p> <p>Newly constructed or substantially rehabilitated collection of vertically mixed retail, office and residential uses in multi-story buildings centered within a one-quarter mile radius of an existing rail or bus transit station or the intersection of First Avenue and Robertson Street in Old Town Knightdale. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.</p>
40 Base Points	<p>Mixed Use Development (Urban Infill)</p> <p>Newly constructed or substantially rehabilitated collection of vertically mixed retail, office and residential uses in a multi-story building on a previously developed parcel within the corporate limits. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.</p>
40 Base Points	<p>Mixed Use Development (Greenfield)</p> <p>Newly constructed collection of vertically mixed retail, office and residential uses in a multi-story building or buildings on a previously undeveloped parcel. In order to qualify as mixed use, developments must dedicate at least one-third of the</p>

	total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.
40 Base Points	Single Family Home (Expedited Subdivision or Recombination) Newly constructed Single Family Homes built upon new lots created via the expedited subdivision (3 or fewer lots) or recombination process.
40 Base Points	Change of Use This category captures renovation, rehabilitation, up-fit or retrofit of existing buildings or portions of buildings that pre-date this policy and require a code summary sheet, change in building occupancy, certificate of occupancy, building permit and/or building inspections.
38 Base Points	Housing Services for the Elderly Establishments This category offers housing services for the aged, not requiring a license from the North Carolina Department of Health and Human Services, such as independent retirement housing, multi-unit assisted housing with services (MAHS), and continuing care retirement centers. All facilities must provide, but not necessarily be limited to, the following services/facilities: On-site laundry facilities, on site management, guaranteed transportation services at least four days per week, on-site exercise facilities, on-site computer access, and a clubhouse/common lounge area for all residents.
38 Base Points	Mixture of Use Development (Retail/Office-Institutional/Commercial) Newly constructed collection of horizontally arranged uses including retail, office-institutional and commercial within a master planned project on a previously undeveloped parcel or parcels totaling at least 10 acres. Mixture of use projects must include at least two (2) use types with at least 25% of the space devoted to each use type included in the development.
38 Base Points	Retail/Commercial Center Newly constructed center of at least 50,000 square feet, typically containing an anchor such as a grocery store and other smaller spaces and/or outparcels for subordinate uses. Uses are entirely consumer-driven and include all manner of retail, service and office possibilities.
38 Base Points	Warehouse/Distribution/Trucking Center Newly constructed center of at least 500,000 square feet where products and resources are transported to, stored, and delivered from via truck or rail.
38 Base Points	Religious Institutions Any facility such as a church, temple, synagogue, mosque or monastery used for worship by a non-profit organization and their customarily related uses.
38 Base Points	Single Use Retail Newly constructed single use, stand-alone building used primarily for retail.

30 Base Points	Single Use Office Newly constructed single use, stand-alone building used primarily for office and professional.
20 Base Points	All Other Uses Not Categorized This category of use captures all other uses not categorized elsewhere. Allocations for such uses are left to the discretion of the Town's Board of Commissioners upon recommendation of the Planning Board and acted on a case-by-case basis.
15 Base Points	Major Subdivision Any subdivision of land of five (5) or more lots.
15 Base Points	Multi-Family Residential & Condo Units

BONUS POINTS

Proposed projects can gain BONUS POINTS by agreeing to provide any of the following items over and above the UDO or Standard Specification requirements for their development proposal.

NOTE: No bonus points are given for UDO requirements.

CATEGORY 1 – Non-Conformity Abatement and Public Infrastructure Improvements

Section 1A - Abatement of Nonconformities		(Max - 3 points)
	Abatement of any existing non-conforming structures	3
	Abatement of any existing non-conforming use of land	2
	Abatement of any existing non-conforming lots	1
Section 1B - Roadway Infrastructure Not Warranted by TIA/UDO		(Max - 10 points)
	Construction of full cross section of existing off-site public street	5
	Nearby intersection improvements	5
	Traffic signal improvements	4
	Signage or striping improvements	1
Section 1C - Off-Site Public Greenway Improvements		(Max - 10 points)
	Construct more than 4000 linear feet of 10-foot wide path	10
	Construct more than 3000 linear feet of 10-foot wide path	8
	Construct more than 2000 linear feet of 10-foot wide path	6
	Construct more than 1000 linear feet of 10-foot wide path	4
	Construct 500 to 1000 linear feet of 10-foot wide path	2

CATEGORY 2. Green Development Standards/ Building & Site Design

Section 2A - Conservation of Natural Habitat Meeting Active Open Space Requirements as Defined in the UDO		(Max - 10 points)
	One point per acre up to 10 acres	1 - 10
Section 2B - Parking Lots and Stormwater SCM's		(Max - 10 points)
	Structured Parking Facilities - must reduce footprint by 20%	10
	Stormwater - Restored Riparian Buffer	10

	Construct a fountain or other stormwater amenity within the BMP/SCM (as approved by Staff)	4
	Stormwater - Landscaped Green Roof	5
	Stormwater - Underground capture system for on-site irrigation	5
	Stormwater - Bioretention	5
	Stormwater - Wetland	5
	Exclusive use of porous pavement in parking areas where suitable	2
	Provision of on-street public parking (1 point per stall up to 5 Max)	1 - 5
Section 2C - Building/Site Design		(Max - 20 points)
Residential Architectural Standards to include the Building Types:		
	House & Townhouse (respectively)*	10
	Historic Structure Preservation via Deed Restriction (Determined by TRC)	10
	Platinum LEED Certification	10
	Gold LEED Certification	8
	Silver LEED Certification	6
	Redevelopment of previously vacant space over 20,000 square feet	6
	Development or Redevelopment within Downtown Overlay District	6
	Redevelopment of previously vacant space under 20,000 square feet	5
	Neighborhood/Subdivision LEED Certification	5
	Green Homes LEED Certification	5
	Bronze LEED Certification	4
	Exclusive use of xeriscaping techniques and drought tolerant species	3
*Building Types are defined in Article 5 of the Town of Zebulon Unified Development Ordinance.		

CATEGORY 3 – Outdoor Enhancement and Transit Improvements

Section 3A – Outdoor Enhancement		(Max – 10 points)
	Construction of a Parkway Street Section on a Collector level street	5
	Construction or Preservation of Gateway Landscaping or Structure (Subject to Comprehensive Plan Consistency and TRC approval)	5
	Restoration of Historic Structure (Must be approved by TRC)	5
	Outdoor Display of Public Art (Subject to TRC Approval)	4
	Maintenance of Roadside Gateway Plant Bed (requires maintenance agreement)	3
	Enhanced Roadside Landscaping (Subject to TRC Approval)	2
	Construction of a Parkway Street Section on a Local level street	2
Section 3B – Transit (Pursuant to location being adjacent to a planned or active transit route)		(Max - 8 points)
	Provision of more than 50 designated Park & Ride Stalls	8
	Provision of 25 designated Park & Ride Stalls	5
	Provision of 10 designated Park & Ride Stalls	3

	Provision of mass transit easement w/ structure (bus stop with shelter & bench)	2
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CATEGORY 4 - Amenities (Only for Projects with Residential Components)

Section 4A - Private Greenway		(Max - 3 points)
	Construction of more than 3000 linear feet of 6-foot wide path	3
	Construction of more than 2000 linear feet of 6-foot wide path	2
	Construction of more than 1000 linear feet of 6-foot wide path	1
Section 4B – Pool (Combinations may be approved by TRC)		(Max - 8 points)
	Olympic Pool and Aquatic Center	8
	Junior Olympic Pool	5
	Lap Pool (four lane minimum)	3
	Resort Style Pool	2
	Any Other Pool	1
Section 4C - Outdoor Deck/Patio		(Max - 3 points)
	Deck/Patio - More than 3000 square feet	3
	Deck/Patio - More than 2000 square feet	2
	Deck/Patio - More than 1000 square feet	1
Section 4D - Pool Amenities		(Max - 2 points)
	Jacuzzi/Hot Tub/Whirlpool	2
	Water Playground with apparatus	2
	Sauna/Steam room	2
Section 4E - Clubhouse		(Max - 10 points)
	Commercial Coffee Shop	10
	With full kitchen and over 4000 square feet of meeting space	10
	With full kitchen and less than 4000 square feet of meeting space	9
	Meeting space without kitchen more than 3500 square feet	8
	Meeting space without kitchen 2500 - 3499 square feet	7
	Meeting Space without kitchen 1500 - 2499 square feet	5
	Meeting Space without kitchen less than 1500 square feet	4
	No meeting space, bathrooms and changing rooms only	3
Section 4F - Additional Active Recreation		(Max - 10 points)
	Gymnasium (regulation size indoor basketball court)	10
	Golf Course (18 hole course)	10
	Baseball/Softball Field (regulation size)	5
	Football/Soccer Field (regulation size)	5
	Skate Park	5
	Tennis Courts (two regulation courts, fenced)	5
	Multi-Use Hardcourt (two regulation basketball courts, fenced)	5
	Pickleball Court (three regulation courts, fenced)	5
	Pocket Park – 8,000 square feet	5
	IPEMA Certified Playground Equipment	4
	Lighted Field of Play for nighttime use	3
	Electronic Scoreboard or Covered Dugouts or Bleachers	3



Town of Zebulon

Planning Department

1003 N. Arendell Avenue, Zebulon, NC 27597

Phone: (919) 823-1810 Fax: (919) 887-2824

www.townofzebulon.org

UTILITY ALLOCATION APPLICATION

GENERAL INFORMATION:

The purpose of the utility allocation procedure is to establish a process for the review of all development projects requesting water and sewer allocation, which is a limited and valuable resource to the Town of Zebulon. This process is in accordance with the Town of Zebulon Municipal Utility Allocation Policy.

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) no later than five (5) working days prior to the desired meeting day.

ANNEXATION REQUIREMENTS: If a property or portion thereof subject to this application is outside the corporate limits and ETJ, an annexation petition is **required** to be submitted on the same day as this application in accordance with 2.2.2 of the UDO.

APPLICATION PROCEDURE – The applicant requesting a Utility Allocation must submit a written application to the Zebulon Planning Department using the forms included in this packet. This application must be submitted concurrently with the initial development application for a property, such as a rezoning, planned development, site plan, etc.

- Completed Application Form and Worksheet
- Owner's Consent Form

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property:		Acreage:
Parcel Identification Number (NC PIN):	Deed Book:	Deed Page(s):
Existing Zoning of the Property:	Proposed Zoning of the Property:	
Existing Use of the Property:	Proposed Use of the Property:	
Reason for requesting Utility Allocation:		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent:		
Street Address of Applicant/Agent:		
City:	State:	Zip Code:
Email of Applicant/Agent:	Telephone Number of Applicant/Agent:	Fax Number of Applicant/Agent:
Are you the owner of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are you the owner's agent? <input type="checkbox"/> Yes <input type="checkbox"/> No	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.

PART 3. PROPERTY OWNER INFORMATION		
Name of Property Owner:		
Street Address of Property Owner:		
City:	State:	Zip Code:
Email of Property Owner:	Telephone Number of Property Owner:	Fax Number of Property Owner:
<i>I hereby state that the facts related to this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.</i>		
Signature of Applicant:	Print Name:	Date:
Signature of Owner:	Print Name:	Date:

BREAKDOWN OF TOTAL POINTS

TO BE COMPLETED BY APPLICANT.

Please indicate the breakdown of total points for project in the table below. Provide details of each bonus point used (i.e. number of parking spaces added, additional open space acreage dedication, off-site sidewalks, etc.). A worksheet is attached with each category of points and their descriptions.

	Points
Base Points:	
Bonus Points (List Options Used):	
Total Points (Base and Bonus Combined—Min. 50 points):	

ZEBULON UTILITY ALLOCATION WORKSHEET

This worksheet is provided to assist applicants with identifying and tallying points

BASE POINTS: List of Preferred Land Uses and Required Characteristics:

The uses listed below have been determined to be the most desirable and important uses for the Town of Zebulon to promote and maintain economic and housing diversity. Only projects that completely meet the stated performance characteristics will be considered for water allocation.

	Use	Points Earned
45 Base Points	<p>Business Office/Professional Services Center Qualifying projects must exceed 100,000 square feet of heated floor space and create at least 150 employment positions that exceed the average annual Wake County salary according to Wake County Economic Development or the Employment Security Commission. Employees perform professional, scientific, and technical services for others. Such services require a high degree of expertise and training and provide high salaried employment opportunities. Examples include software engineering, legal, medical, accounting, consulting, architectural, biomedical, chemical, research and development, and administrative services.</p>	
45 Base Points	<p>Finance and Insurance Center Finance and insurance establishments in this category exceed 100,000 square feet of heated floor space and create at least 150 employment positions that exceed the average annual Wake County salary according to Wake County Economic Development or the Employment Security Commission. Employees engage in financial transactions that create, liquidate, or change ownership of financial assets. They also pool financial risks by underwriting insurance and annuities. Some establishments support employee benefit programs. Examples include bank or credit union headquarters, brokerages, investments, insurance, financing and data processing establishments.</p>	
45 Base Points	<p>Manufacturing/Industrial Employment Center Manufacturing or Industrial establishments in this category exceed 200,000 square feet of floor space located in plants, factories, or mills and employ power-driven machines and materials-handling equipment. They may also employ workers who assemble or create new products by hand, without the characteristic machinery-intensive enterprise. Many manufacturing establishments process products of agriculture, forestry, fishing, mining, or quarrying as well as products of other manufacturing establishments. Most manufacturing establishments have some form of captive services (e.g., research and development, and administrative operations, such as accounting, payroll, or management) in conjunction on-site.</p>	
45 Base Points	<p>Governmental Uses/Public Administration This category encompasses centers for all government functions; it includes federal, state, and local government agencies that administer, oversee, and manage public programs and budgets and have executive, legislative, or</p>	

	judicial authority. Establishments develop policy, create laws, adjudicate civil and criminal legal cases, and provide for public safety and national defense.	
42 Base Points	Hotels, Motels, or other Accommodation Service Establishments This category serves lodging and short-term accommodations for travelers. They may offer a wide range of services, from overnight sleeping space to full-service hotel suites. They may offer these services in conjunction with other activities, such as entertainment or recreation. Stays in these establishments are generally less than one month. This classification does not include boarding or rooming houses.	
40 Base Points	Arts/Entertainment/Museums These establishments operate facilities or provide services for a variety of cultural, entertainment, and performing art functions. Establishments include those that produce, promote, or participate in live performances, events, or exhibits intended for public viewing; those that preserve and exhibit objects and sites of historical, cultural, or educational interest; and those that operate facilities or provide services to serve activities associated with the aforementioned.	
40 Base Points	Amusement, Sports or Recreational Establishment Establishments in this category operate either indoor or outdoor facilities offering family activities (i.e. sports, recreation, or amusement) and provide services, such as facilitating amusement in places operated by others, operating recreational sports groups and leagues. Examples include golf courses, indoor sports venues, bowling alleys, miniature golf courses, athletic clubs, skating rinks and arcades.	
40 Base Points	Mixed Use Development (Transit Oriented) Newly constructed or substantially rehabilitated collection of vertically mixed retail, office and residential uses in multi-story buildings centered within a one-quarter mile radius of an existing rail or bus transit station or the intersection of First Avenue and Robertson Street in Old Town Knightdale. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.	
40 Base Points	Mixed Use Development (Urban Infill) Newly constructed or substantially rehabilitated collection of vertically mixed retail, office and residential uses in a multi-story building on a previously developed parcel within the corporate limits. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.	
40 Base Points	Mixed Use Development (Greenfield)	

	Newly constructed collection of vertically mixed retail, office and residential uses in a multi-story building or buildings on a previously undeveloped parcel. In order to qualify as mixed use, developments must dedicate at least one-third of the total heated square footage to residential use and the remainder to a mix of retail and office uses. All three use types must be represented and at least 10% of the heated square footage must be dedicated to street level, storefront retail uses.	
40 Base Points	Single Family House (Minor/Family Subdivision or Recombination) Newly constructed Single Family Homes built upon new lots created via the expedited subdivision (3 or fewer lots) or recombination process.	
40 Base Points	Change of Use This category captures renovation, rehabilitation, up-fit or retrofit of existing buildings or portions of buildings that pre-date this policy and require a code summary sheet, change in building occupancy, certificate of occupancy, building permit and/or building inspections.	
38 Base Points	Housing Services for the Elderly Establishments This category offers housing services for the aged, not requiring a license from the North Carolina Department of Health and Human Services, such as independent retirement housing, multi-unit assisted housing with services (MAHS), and continuing care retirement centers. All facilities must provide, but not necessarily be limited to, the following services/facilities: On-site laundry facilities, on site management, guaranteed transportation services at least four days per week, on-site exercise facilities, on-site computer access, and a clubhouse/common lounge area for all residents.	
38 Base Points	Mixture of Use Development (Retail/Office-Institutional/Commercial) Newly constructed collection of horizontally arranged uses including retail, office-institutional and commercial within a master planned project on a previously undeveloped parcel or parcels totaling at least 10 acres. Mixture of use projects must include at least two (2) use types with at least 25% of the space devoted to each use type included in the development.	
38 Base Points	Retail/Commercial Center Newly constructed center of at least 50,000 square feet, typically containing an anchor such as a grocery store and other smaller spaces and/or outparcels for subordinate uses. Uses are entirely consumer-driven and include all manner of retail, service and office possibilities.	
38 Base Points	Warehouse/Distribution/Trucking Center Newly constructed center of at least 500,000 square feet where products and resources are transported to, stored, and delivered from via truck or rail.	
38 Base Points	Religious Institutions Any facility such as a church, temple, synagogue, mosque or monastery used for worship by a non-profit organization and their customarily related uses.	
38 Base Points	Single Use Retail Newly constructed single use, stand-alone building used primarily for retail.	

30 Base Points	Single Use Office Newly constructed single use, stand-alone building used primarily for office and professional.	
20 Base Points	All Other Uses Not Categorized This category of use captures all other uses not categorized elsewhere. Allocations for such uses are left to the discretion of the Town Council upon recommendation of the Land Use Review Board and acted on a case-by-case basis.	
15 Base Points	Major Subdivision Any subdivision of land of five (5) or more lots.	
15 Base Points	Multi-Family Residential & Condo Units	

BONUS POINTS

Proposed projects can gain BONUS POINTS by agreeing to provide any of the following items over and above the UDO or Standard Specification requirements for their development proposal.

NOTE: No bonus points are given for UDO requirements.

CATEGORY 1 – Non-Conformity Abatement and Public Infrastructure Improvements

Section 1A - Abatement of Nonconformities	(Max - 3 points)	Points Earned
Abatement of any existing non-conforming structures	3	
Abatement of any existing non-conforming use of land	2	
Abatement of any existing non-conforming lots	1	
Section 1B - Roadway Infrastructure Not Warranted by TIA/UDO	(Max - 10 points)	
Construction of full cross section of existing off-site public street	5	
Nearby intersection improvements	5	
Traffic signal improvements	4	
Signage or striping improvements	1	
Section 1C - Off-Site Public Greenway Improvements	(Max - 10 points)	
Construct more than 4000 linear feet of 10-foot wide path	10	
Construct more than 3000 linear feet of 10-foot wide path	8	
Construct more than 2000 linear feet of 10-foot wide path	6	
Construct more than 1000 linear feet of 10-foot wide path	4	
Construct 500 to 1000 linear feet of 10-foot wide path	2	

CATEGORY 2. Green Development Standards

Section 2A - Conservation of Natural Habitat Meeting Active Open Space Requirements as Defined in the UDO	(Max - 10 points)	Points Earned
One point per acre up to 10 acres	1 - 10	
Section 2B - Parking Lots and Stormwater SCM's	(Max - 10 points)	
Structured Parking Facilities - must reduce footprint by 20%	10	
Stormwater - Restored Riparian Buffer	10	

	Construct a fountain or other stormwater amenity within the BMP/SCM (as approved by Staff)	4	
	Stormwater - Landscaped Green Roof	5	
	Stormwater - Underground capture system for on-site irrigation	5	
	Stormwater - Bioretention	5	
	Stormwater - Wetland	5	
	Exclusive use of porous pavement in parking areas where suitable	2	
	Provision of on-street public parking(1 point per stall up to 5 Max)	1 - 5	
Section 2C - Building/Site Design		(Max - 20 points)	
Residential Architectural Standards to include the Building Types:			
	House & Townhouse (respectively)*	15	
	Historic Structure Preservation via Deed Restriction (Determined by TRC)	10	
	Platinum LEED Certification	10	
	Gold LEED Certification	8	
	Silver LEED Certification	6	
	Redevelopment of previously vacant space over 20,000 square feet	6	
	Development or Redevelopment within Downtown Overlay District	6	
	Redevelopment of previously vacant space under 20,000 square feet	5	
	Neighborhood/Subdivision LEED Certification	5	
	Green Homes LEED Certification	5	
	Bronze LEED Certification	4	
	Exclusive use of xeriscaping techniques and drought tolerant species	3	
*Building Types are defined in Article 5 of the Town of Zebulon Unified Development Ordinance.			

CATEGORY 3 – Outdoor Enhancement and Transit Improvements

Section 3A – Outdoor Enhancement		(Max – 10 points)	Points Earned
	Construction of a Parkway Street Section on a Collector level street	5	
	Construction or Preservation of Gateway Landscaping or Structure (Subject to Comprehensive Plan Consistency and TRC approval)	5	
	Restoration of Historic Structure (Must be approved by TRC)	5	
	Outdoor Display of Public Art (Subject to TRC Approval)	4	
	Maintenance of Roadside Gateway Plant Bed (requires maintenance agreement)	3	
	Enhanced Roadside Landscaping (Subject to TRC Approval)	2	
	Construction of a Parkway Street Section on a Local level street	2	
Section 3B – Transit (Pursuant to location being adjacent to a planned or active transit route)		(Max - 8 points)	
	Provision of more than 50 designated Park & Ride Stalls	8	
	Provision of 25 designated Park & Ride Stalls	5	
	Provision of 10 designated Park & Ride Stalls	3	

	Provision of mass transit easement w/ structure (bus stop with shelter & bench)	2	
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CATEGORY 4 - Amenities (Only for Projects with Residential Components)

Section 4A - Private Greenway		(Max - 3 points)	Points Earned
	Construction of more than 3000 linear feet of 6-foot wide path	3	
	Construction of more than 2000 linear feet of 6-foot wide path	2	
	Construction of more than 1000 linear feet of 6-foot wide path	1	
Section 4B – Pool (Combinations may be approved by TRC)		(Max - 8 points)	
	Olympic Pool and Aquatic Center	8	
	Junior Olympic Pool	5	
	Lap Pool (four lane minimum)	3	
	Resort Style Pool	2	
	Any Other Pool	1	
Section 4C - Outdoor Deck/Patio		(Max - 3 points)	
	Deck/Patio - More than 3000 square feet	3	
	Deck/Patio - More than 2000 square feet	2	
	Deck/Patio - More than 1000 square feet	1	
Section 4D - Pool Amenities		(Max - 2 points)	
	Jacuzzi/Hot Tub/Whirlpool	2	
	Water Playground with apparatus	2	
	Sauna/Steam room	2	
Section 4E - Clubhouse		(Max - 10 points)	
	Commercial Coffee Shop	10	
	With full kitchen and over 4000 square feet of meeting space	10	
	With full kitchen and less than 4000 square feet of meeting space	9	
	Meeting space without kitchen more than 3500 square feet	8	
	Meeting space without kitchen 2500 - 3499 square feet	7	
	Meeting Space without kitchen 1500 - 2499 square feet	5	
	Meeting Space without kitchen less than 1500 square feet	4	
	No meeting space, bathrooms and changing rooms only	3	
Section 4F - Additional Active Recreation		(Max - 10 points)	
	Gymnasium (regulation size indoor basketball court)	10	
	Golf Course (18 hole course)	10	
	Baseball/Softball Field (regulation size)	5	
	Football/Soccer Field (regulation size)	5	
	Skate Park	5	
	Tennis Courts (two regulation courts, fenced)	5	
	Multi-Use Hardcourt (two regulation basketball courts, fenced)	5	
	Pickleball Court (three regulation courts, fenced)	5	
	Pocket Park – 8,000 square feet	5	
	IPEMA Certified Playground Equipment	4	
	Lighted Field of Play for nighttime use	3	
	Electronic Scoreboard or Covered Dugouts or Bleachers	3	

STAFF REPORT
TA – 2022-3 DUMPSTER ENCLOSURES
APRIL 11, 2022
JOINT PUBLIC HEARING

Topic: Text Amendment 2022-03 Dumpster Enclosure

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 Chapter 5 of the Unified Development Ordinance (UDO) regulating the design of dumpsters for commercial and mixed-use developments.

Background:

The UDO provides standards for the screening of dumpster enclosures, but not the physical construction. The proposed regulations require dumpsters be constructed of materials matching both the aesthetics of the principal structure and the durability of the frequency/type of use.

Wood panel dumpster enclosures within commercial locations are often not constructed to a standard to withstand the intensity of use. Refuse and debris are regularly blown out of the easily damaged enclosures. Furthermore, the characteristics of the wood panel style of dumpster enclosure is often out of character with the surrounding structures.

Discussion:

The public hearing is an opportunity to gather public comment. There is no discussion before the Board.

Policy Analysis:

The proposed text amendment is a tool to achieve the 2030 Strategic Plan's Growing Smart goal, and directly addresses the Comprehensive Land Use Plan's further refined strategy to enhance landscaping and building design requirements for Commercial Land Use types.

Financial Analysis:

The proposed amendments will reduce Code Enforcement activity. The improved aesthetics and functionality required by these regulations will also increase the quality and property value of commercial and mixed-use developments.

Staff Recommendation:

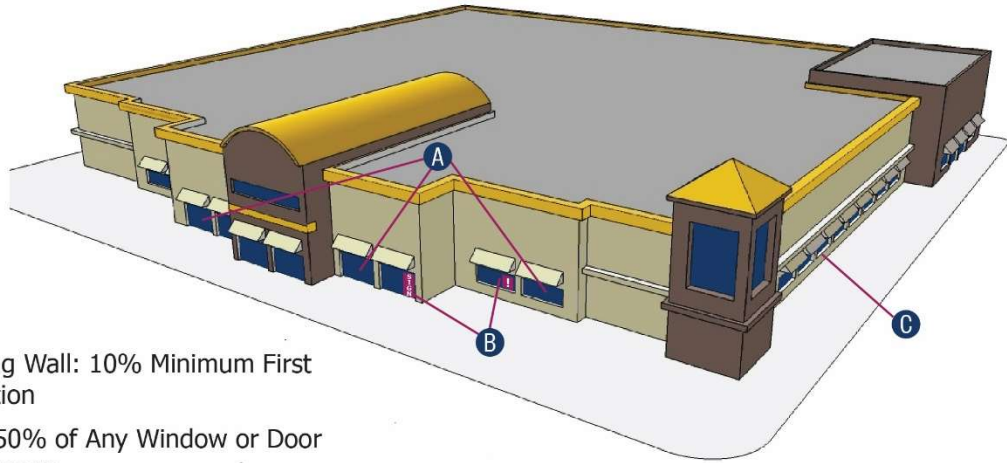
Staff Recommends conducting a public hearing and approving the proposed text amendments at the next meeting.

Attachments:

1. Commercial Design Standards – Dumpster Enclosure
2. Mixed Use Design Standards – Dumpster Enclosure.

3. Articulated wall forms designed to mimic window openings that also include an overhang or awning.

FIGURE 5.3.1.G.3.B: LARGE RETAIL BUILDING FENESTRATION



LEGEND

- A Primary Building Wall: 10% Minimum First Floor Fenestration
- B No More than 50% of Any Window or Door Covered by Signage
- C Secondary Building Wall: 5% Minimum First Floor Fenestration, False or Opaque Windows, or Articulated Wall Forms that Mimic Windows (With Awning or Overhang)

c. OFF-STREET PARKING LOCATION

- i. Sites comprised of large format retail buildings subject to these design standards shall be configured such that no more than 75 percent of the provided off-street parking shall be located between a building’s primary building façade and the street it faces.
- ii. Off-street parking serving large format retail development located within a Gateway Corridor Overlay (GCO) district shall be configured in accordance with the applicable requirements in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

H. DUMPSTER ENCLOSURE DESIGN

The following standards shall apply to dumpster and refuse collection areas for commercial uses.

1. The sides and back of enclosures shall be constructed of the same materials as the primary building and the following materials are prohibited
 - a. Vertical wood fence panels
 - b. Synthetic Stucco or EFIS
 - c. Chain-Link
 - d. Reflective Corrugated Metal
2. Gates shall be constructed of a metal panel system and painted or coated black, grey, or similar neutral color.

FIGURE 5.3.1.H: COMMERCIAL DUMPSTER ENCLOSURE DESIGN



5.3.2. MIXED-USE DESIGN STANDARDS

A. PURPOSE AND INTENT

The purpose for these standards is to create vibrant, pedestrian-oriented areas of residential and non-residential use that are located in the same building or in close proximity to one another on the same site. More specifically, these standards are intended to:

1. Create well-designed, desirable places for Town residents and visitors to shop, dine, recreate, and live;
2. Ensure development within mixed use areas is compact and walkable;
3. Shorten travel times and support alternative modes of transportation by reducing the need for automobile travel within urban portions of the Town;
4. Encourage human-scaled development that is pedestrian-oriented;
5. Reduce development costs by facilitating the most dense forms of development in areas easily served by public infrastructure; and
6. Accommodate both vertically mixed-use development within an individual building as well as horizontally mixed-use development on a single site.

B. APPLICABILITY

The standards in this section shall apply to all the following:

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

D. TIMING OF REVIEW

12. DRIVE-UP/DRIVE THROUGH PROHIBITED

No building within a mixed-use development or downtown district shall include drive-up or drive through facilities.

13. SIGNAGE

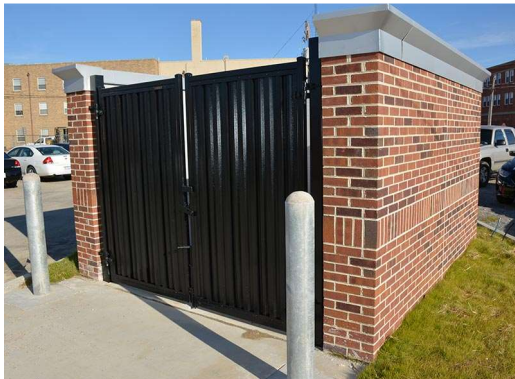
Pole signs shall be prohibited on lots with mixed-use development.

F. DUMPSTER ENCLOSURE DESIGN

The following standards shall apply to dumpster and refuse collection areas for commercial uses.

1. The sides and back of enclosures shall be constructed of the same materials as the primary building and the following materials are prohibited
 - a. Vertical wood fence panels
 - b. Synthetic Stucco or EFIS
 - c. Chain-Link
 - d. Reflective Corrugated Metal
2. Gates shall be constructed of a metal panel system and painted or coated black, grey, or similar neutral color.

FIGURE 5.3.2.F: MIXED USE DUMPSTER ENCLOSURE DESIGN



5.3.3. MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

A. PURPOSE AND INTENT

These multi-family residential design standards supplement the applicable zoning district and use-specific standards of this Ordinance by providing the minimum requirements for design and configuration of multi-family development within the Town’s planning jurisdiction. They are intended to:

1. Ensure multi-family development takes place in a manner consistent with the context, scale, and proportion of its surroundings;
2. Promote greater compatibility between new multi-family development and other allowable use types, particularly adjacent residential single-family detached dwellings;
3. Establish expectations for minimum level of quality for multi-family development;
4. Encourage creativity in design and promote individual project identity;
5. Create neighborhoods with enhanced architectural and visual interest; and
6. Preserve property values and protect public and private investment.

STAFF REPORT
TA – 2022-4 SCM LANDSCAPING
APRIL 11, 2022
JOINT PUBLIC HEARING

Topic: Text Amendment 2022-04 Stormwater Control Measure Landscaping

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 Chapter 5 of the Unified Development Ordinance requiring plantings in, and around, Stormwater Control Measures (SCM).

Background:

The UDO allows for grass to be planted up to the edge of the water line in SCMs but does not require any plantings within the pond itself. The proposed regulations would require plantings unless the SCM is part of an active open space area.

The UDO currently treats SCMs strictly as utility requirements instead of amenities or aesthetic elements. Additional landscaping in, and around, an SCM would mirror the natural environments of ponds and wetlands. This both improves the aesthetic nature of these features and more effectively stabilizes the soils, thereby reducing runoff into the ponds and enhancing habitats for aquatic and wetland species.

Discussion:

The public hearing is an opportunity to gather public comment. There is no discussion before the Board.

Policy Analysis:

The proposed text amendment is a tool to achieve the 2030 Strategic Plan's Growing Smart goal, and directly addresses the Comprehensive Land Use Plan's further refined strategy to protect the environment through unique landscapes and mature tree stands.

Financial Analysis:

The proposed regulations will assist the Town in meeting the National Pollutant Discharge Elimination System (NPDES) requirements of their Municipal Separate Storm Sewer System (MS4) Permit with the North Carolina Department of Environmental Quality. The amenities and aesthetics required by these regulations will also increase the quality and property value of developments.

Staff Recommendation:

Staff Recommends conducting a public hearing and approving the proposed text amendments and approving the proposed text amendments at the next meeting.

Attachments:

1. Landscape Design Standards – Stormwater Control Measures

ARTICLE 5: DEVELOPMENT STANDARDS

5.6. Landscaping

5.6.18. Replacement of Required Vegetation

C. PERIODIC INSPECTION

1. The Planning Director may periodically inspect sites subject to the provisions of this Ordinance. If, through inspection, it is determined that a site does not comply with the approved site plan, preliminary plat, planned development master plan, or building permit, a notice to comply shall be served upon the landowner by registered mail with return receipt or other means by the Town.
2. The notice shall set forth that which will be necessary to comply with the Ordinance.
3. The Town shall have the power to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this Ordinance.

5.6.18. REPLACEMENT OF REQUIRED VEGETATION

A. DAMAGE OR REMOVAL OF VEGETATION IS A VIOLATION

The damage, disturbance, or removal of any landscaping area or vegetation required by this section shall constitute a violation of this Ordinance subject to the remedies described in Article 8: Enforcement.

B. REPLACEMENT REQUIRED

1. Any disturbed landscaping areas, areas of preserved existing vegetation, or required plant material shall be replaced in accordance with the approved development application and these standards.
2. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size.
3. Replacement trees shall be planted within 180 days of removal of required vegetation.

C. REVEGETATION PLAN REQUIRED

In cases where required landscaping or existing vegetation required to be preserved is damaged, disturbed, or removed, a revegetation plan shall be submitted for review and approval by the Planning Director, in accordance with the following standards:

1. Any tree with a caliper of at least eight inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two and one-half (2½) inches and a cumulative caliper equal to or greater than the original tree.
2. Trees damaged or destroyed less than eight inches in diameter shall be replaced to satisfy the performance criteria of this section.
3. Shrubs may also be required to restore the landscaping performance criteria for the disturbed area.

D. LOCATION OF REPLACEMENT TREES AND VEGETATION

1. Replanting shall be located within the vicinity of the violation.
2. If the area is too small for sufficient growth, a more suitable location on the site may be selected, as permitted by the Planning Director.

5.6.19. STORMWATER CONTROL MEASURE (SCM) LANDSCAPING

In cases when a stormwater control measure is constructed and improved for active outdoor recreation space, a landscape plan shall be provided subject to the following conditions.

- A. Area surrounding the SCM shall be landscaped to the Type A buffer standard per Table 5.6.10.C unless otherwise restricted based on engineering or State requirements.
- B. Shrubs may be clustered if a combination of canopy and understory streets are planted.
- C. Plantings within the pond area shall meet the recommendations of the NC State Extension Office for Stormwater Wetland Construction.