

Town of Angier Planning Board

Training Workshop #3

August 14, 2018

Meeting 3: UDO Overview

- ▶ Current Land Use Regulations - Zoning Requirements
- ▶ UDO Permitted Use Table - What Uses Are Allowed Where?
- ▶ The Board Of Adjustment And Their Responsibilities
- ▶ Conditional Zoning And Special Use Permits
- ▶ Subdivision And Site Plan Requirements
- ▶ Subdivision And Site Plan Review Process
- ▶ Potential Amendments
- ▶ Direct Staff To Initiate Draft Amendments

Development Review Process

- ▶ If the proposed use is Permitted by Right
 - Technical Review Committee reviews the subdivision plat or site plan for compliance with the UDO
- ▶ If the proposed use is Permitted by Special Use Permit
 - The Board of Adjustment reviews the proposed site plan and may place conditions that exceed the regulations of the UDO
- ▶ If the proposed use is Not Permitted
 - Applicant can chose to rezone the property to a zoning district which allows the proposed use, or to amend the Permitted Use Table

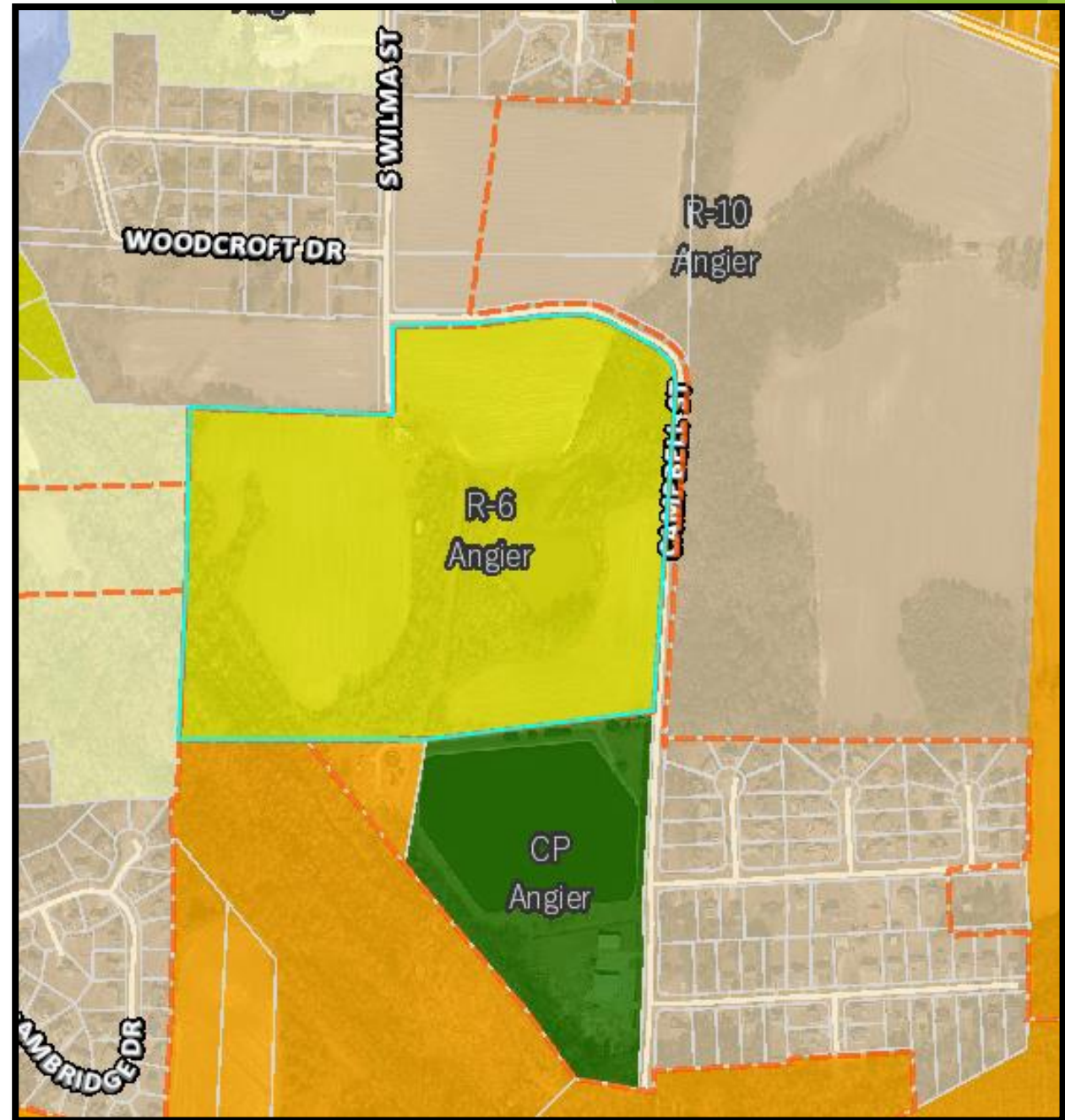
Proposed Development

Property: 523 S. Wilma Street

Acreage: +/- 46 Ac.

Zoning: R-6

Proposed Use: Single Family Subdivision



Permitted Use Table

UDO Section 3.3

Residential Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Apartments	2					S		S			4.2.9	1.5 per bedroom plus 1 per bedroom over 2
Condos	2		S	S	S	S		S			4.2.9	1.5 per bedroom plus 1 per bedroom over 2
Townhomes	2		S	S	S	S		S			4.2.9	1.5 per bedroom plus 1 per bedroom over 2
Single-family	1		P	P	P	P						3 per dwelling
Temporary emergency residences	1		P	P	P	P	P	P	P		4.2.10	2 per dwelling
Duplexes	1		P	P	P	P					4.2.11	1.5 per bedroom plus 1 per bedroom over 2

UDO Section 3.4.2 - Dimensional Table

District	Minimum Area (square feet)	Minimum Lot Width (feet)	Front Setback (feet)	Corner Side Setback (feet)	Side Setback (feet)	Rear Setback (feet)	Maximum Height (feet)
OSR	30,000	100	35	20	10	25	35 ⁴
RA-30	30,000	100	35	20	10	25	35 ⁴
R-15	15,000	80	25	20	10	20	35 ⁴
R-10	10,000	60	20	20	10	15	35 ⁴
R-6	6,000	50	15 (alley loaded) 20 (front loaded)	15	5	15	35 ⁴
O&I	20,000 (site) 3 acres (campus) No min. lot size	NA	25 ²	20	0 ¹	25	35 ⁴
CB	6,000	15	0	0 ¹	0 ¹	0 ¹	35 ⁴
GC	6,000	50	30 ²	30 ²	10	20	35 ⁴
CP	20,000	NA	25 ³	30 ^{2&3}	20 ³	20 ³	NA ⁴

Board of Adjustment

Board Review Responsibilities:

Planning Board - Reviews Rezoning requests and Ordinance Text Amendment requests

Board of Adjustment - Reviews Special Use Permit requests, Variances, Administrative Appeals

- ▶ **Special Use Permits** - Required when a certain type of development is not permitted by right in a given zoning district, but can be permitted with special conditions (*UDO Section 15.3.2.3*)
- ▶ **Variance** - Permission to vary from the regulations of the ordinance due to extreme, unusual circumstances. Variances cannot grant special permission that is denied to others (*UDO Section 15.3.2.2*)
- ▶ **Appeal of the Administrator** - If any applicant disagrees with the Administrator's interpretation or enforcement of the UDO they may appeal to the Board of Adjustment (*UDO Section 15.3.2.1*)

Board of Adjustment: Special Use Permit Hearing Procedures

► Quasi-Judicial Hearing

- Special Use Hearings require quasi-judicial, or evidentiary, hearings.
- Speakers must be sworn in and present factual evidence or expert analysis
- Board must adopt Findings of Fact as to whether or not the proposal meets the criteria in the UDO (Section 15.3.2.3):

A. The requested use will not impair the integrity or character of the surrounding or adjoining districts;

B. The requested use will not be detrimental to the health, morals, or welfare;

C. Adequate utilities, access streets, drainage, sanitation and/or other necessary facilities have been or are being provided;

D. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

E. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of adjustment.

- Board may choose to place additional conditions on the proposal

Conditional Zoning

Conditional Zoning Districts: UDO Section 3.5

- ▶ Conditional Zoning districts were established to provide a voluntary alternative procedure for the rezoning of a property for a specific use.
- ▶ In some cases, a broad range of uses are permitted in the zoning district. There are instances where a certain zoning district designation may be inappropriate for a property, but a specific use permitted would be consistent with the spirit and intent of the UDO.
- ▶ Specific conditions applicable to these CZ districts may be proposed by the petitioner or the town, but only those conditions mutually approved by the town and the petitioner may be incorporated into the requirements of the district.

Subdivision Review

The Major Subdivision (6+ Lots) Review process includes 3 stages:

- ▶ **Preliminary Plat Review:** The TRC checks for compliance with the UDO's subdivision regulations and approves the overall layout of the subdivision. Items addressed include: Lot number, lot size, lot width, street layout, connectivity, street width, sidewalks, open space, utility easements, drainage basins & easements.
- ▶ **Construction Drawing Review:** After the subdivision has received preliminary approval and all necessary State and/or Federal approvals, the developer submits CD's for administrative review. Staff reviews proposed street, water, sewer, sidewalk, and lighting infrastructure for compliance with the Town's Construction Standards. Upon approval of the CD's, construction can begin on the subdivision's infrastructure.
- ▶ **Final Plat Review:** Once all infrastructure has been installed to Town Construction Specifications, the TRC review the final plat one last time before recordation. Only the phase or phases to be recorded are reviewed. Any infrastructure not fully installed at this stage must be bonded to the Town.

Site Plan Review

Commercial, Industrial, Educational, Institutional Site Plan Review:

- ▶ Uses Permitted by Right on the property to be developed go straight to TRC review
- ▶ The Technical Review Committee reviews site plans for compliance with all applicable UDO regulations. Some uses require special standards as determined by the Special Requirements column of the Permitted Use Table. These standards are in addition to all generic UDO requirements such as lot sizes, setbacks, building façades, landscaping buffers, stormwater management, lighting, etc.

Retail Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Restaurants	3					S		P	P	P	4.7.3	1 per 4 seats
Retail uses, community	3						P	P	P		4.7.4	1 per 200 square feet
Retail uses, neighborhood	3							S	P		4.7.5	1 per 200 square feet
Retail uses, regional	4								S		4.7.6	1 per 200 square feet
Vehicle and/or manufactured home sales	3								S	S	4.7.7	1 per 2 employees or 1 per 500 square feet

Special Requirements

If a proposed use has special requirements, they will be enforced during site plan review. For example, if a community retail uses is proposed, the following special requirements will be required in addition to other UDO requirements:

4.7.4 Retail Uses, Community.

A. Dimensional Requirements for community retail uses shall be as follows:

Minimum Street Frontage: 150 Feet

Front Setback: 35 Feet

UDO Amendment Discussion

- ▶ As part of this Planning Board Training Curriculum, Staff has been tasked with assisting the Planning Board to point out and facilitate discussion regarding potential amendments to the UDO.
- ▶ To this point, Staff has identified several items to consider that may simplify the approval process, clarify current UDO language, or seek to encourage or discourage certain types of development.

Auto Related Businesses: SUP Required

PERMITTED USES TABLE												
Office and Service Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Automobile services	3							S	S	S	4.6.1	3 per bay plus 1 per employee
Vehicle and/or manufactured home sales	3								S	S	4.7.7	1 per 2 employees or 1 per 500 square feet

Currently, the UDO requires a Special Use Permit for all auto related business including car dealerships, gas stations, repair shops, tire & lube services, etc.

→ Consider making these uses Permitted by Right and ensuring applicable standards are in place within the UDO instead of asking Board of Adjustment to place conditions. These uses are very common and applicants would benefit from a cheaper and quicker review process.

Multi-Family: SUP Required

Residential Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Multifamily residential, apartments	2					S		S			4.2.9	1.5 per bedroom plus 1 per bedroom over 2
Multifamily residential, condominiums	2		S	S	S	S		S			4.2.9	1.5 per bedroom plus 1 per bedroom over 2
Multifamily residential, townhomes	2		S	S	S	S		S			4.2.9	1.5 per bedroom plus 1 per

Multi-Family Requirements

Section 4.2.10 Multifamily residential.

- A. Dimensional requirements for multifamily residential developments shall be as follows →
- B. All structures shall be a minimum of ten feet from all internal parking areas, and drive-isles.
- C. Project perimeter setback areas shall be free of any structures, excluding access ways and signs.
- D. Amenities and accessory structures shall be permitted as an accessory use to the primary use.
- E. Developments of 50 units or more shall provide two means of ingress and egress.
- F. A distance of at least 20 feet shall be maintained between all buildings within a development

Maximum density	10 dwelling units per acre (with public water and sewer)
Minimum public street frontage	150 feet
Front setback (project perimeter)	Thoroughfare street: Projects equal to or greater than 5 acres: 100 feet Projects less than 5 acres: 50 feet <hr/> Collector street: 50 feet Local/cul-de-sac street: 30 feet (unless otherwise stated)
Side setback (project perimeter)	30 feet
Rear setback (project perimeter)	30 feet
Minimum building separation	20 feet
Maximum units per structure	Single-story structure: 6 units Multistory structure: 12 units

Alcohol Related Businesses: Potential UDO Additions

- ▶ As alcohol related businesses become more popular, it may be worth amending the UDO's restrictions to encourage them in certain areas
- ▶ Currently bars are not allowed within 1,000 feet of a home or park
- ▶ The UDO currently does not allow for breweries who also sell their product on site
- ▶ Consider adding uses to the permitted use table such as: Brewery & Bottle Shop

Alcohol Related Businesses: Potential UDO Additions

Bottle Shop

- ▶ **Add to Retail section of Permitted Use Table**
- ▶ Permitted Use in General Commercial, Special Use in Central Business
- ▶ Definition: A retail establishment that primarily sells alcoholic beverages for off premise consumption. Alcoholic beverage sampling areas may be allowed on the premises as an accessory use.
- ▶ Add Special Requirement: Alcoholic beverage sampling areas may be allowed on the premises as an accessory use. This accessory use shall occupy 30% or less of the square footage of the total area occupied by the bottle shop. For example, if the bottle shop occupies a total of 1,000 square feet, up to 300 square feet can be used for an alcoholic beverage sampling area. Alcoholic beverages may not be consumed on the premises after 11p.m.

Alcohol Related Businesses: Potential UDO Additions

Brewery/Winery

Add to Recreation and Entertainment section of Permitted Use Table

Permitted Use in General Commercial & Commerce Park, Special Use in Central Business

- ▶ Definition: **BREWERY/WINERY**. A manufacturing use that produces alcoholic or non-alcoholic beverages, including ales, beers, wine, liquor and/or similar beverages, on-site. Breweries are classified as a use that primarily manufactures such beverages and may or may not include on site sales of beverages.
- ▶ Add Special Requirement: Alcoholic beverage consumption areas may be allowed on the premises given it includes 30% or less of the square footage of primary structure. Alcoholic beverages may not be consumed on the premises after 11p.m.

Sweepstakes Style Arcade Gaming

PERMITTED USES TABLE												
Recreation and Entertainment Uses	Use Group	OSR	RA-30	R-15	R-10	R-6	O&I	CB	GC	CP	SR	Parking
Amusement arcade	3							S	P			1 per 4 persons (maximum capacity)

UDO Definition:

Amusement arcade. A commercial facility providing recreational activities that typically include coin-operated amusement machines such as but limited to pinball machines, electronic video games, and skeet ball machines. A facility shall be deemed an amusement arcade if it has eight or more of such machines.

- Consider revising definition to separate sweepstakes style machines from other purely recreational arcade games
- Defining these uses and adopting regulations associated with them may prevent these businesses from being allowed in undesirable locations