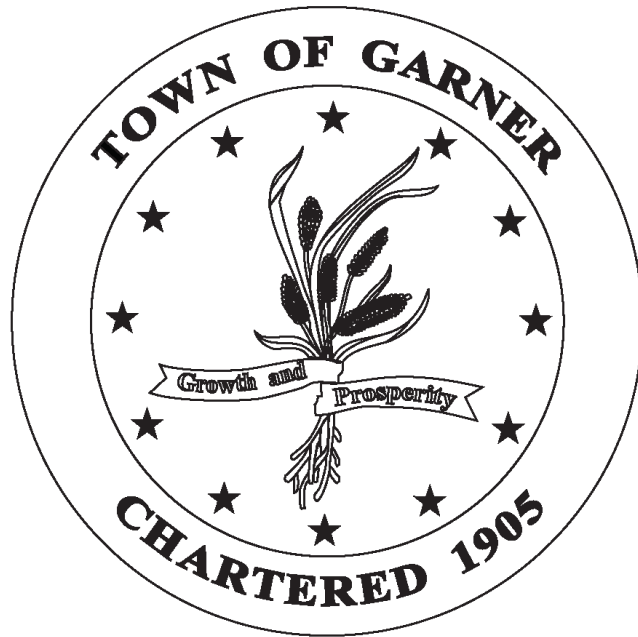


Town of Garner



Town Council Meeting February 6, 2024

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Town Council Regular Meeting Agenda
February 6, 2024**

The regular meeting of the Town Council will be conducted at 6:00 p.m. in Ronnie S. Williams Council Chambers located in Garner Town Hall, 900 7th Avenue, Garner.

- A. CALL MEETING TO ORDER/ROLL CALL: Mayor Buddy Gupton
- B. PLEDGE OF ALLEGIANCE: Mayor Buddy Gupton
- C. INVOCATION: Mayor Buddy Gupton
- D. PETITIONS AND COMMENTS
- E. ADOPTION OF AGENDA
- F. PRESENTATIONS
 - 1. MLK Dream-In-Action Award
Presenter: Wilma McClain, MLK Committee
 - 2. Life Saving Awards
Presenter: Lorie Smith, Police Chief
- G. CONSENT
 - 1. Voluntary Contiguous Annexation Petition # ANX-23-16, Town Liles Property Page 8
Presenter: Reginald Buie, Zoning Administrator

Voluntary contiguous annexation petition (ANX-23-16) submitted by Town of Garner to bring 124.69 +/- acres into the primary corporate limits of the Town of Garner. The property is located at 2518 and 2605 Benson Road and may be otherwise identified as Wake County PINs 1619445820, 1619458482 and 1619537903. An additional 6.44 +/- acres of intervening right-of-way within Rand Road and NC 50 is included with this request for a total of 131.13 +/- acres.

Action: Consider motion to adopt Resolution (2024) 2566 to set public hearing for February 20, 2024
 - 2. Central Pines Area agency on Aging Funding Page 12
Presenter: Maria Munoz-Blanco, PRCR Director

Garner Senior Center is eligible to receive a \$11,093 grant from the Central Pines Area Agency on Aging. Funds are allocated by the General Assembly through the regional aging agencies to support senior centers across the state. The GSC has received this grant in prior years as it is formula based. A local match of 25% is required and will be met with existing FY24 approved operating budget. A budget amendment is included to

incorporate the grant funds into the FY24 budget.

Action: Consider approval to accept \$11,093 in funding and adopt Ordinance (2024) 5241

- 3. Surplus Property Page 15
Presenter: David Beck, Finance Director

The Public Works department has several items including a truck, utility vehicle, and a salt spreader that are being replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment. Also, the Police Department has a storage shed that is in a state of disrepair. They are seeking approval to dismantle the shed and dispose of the debris.

Action: Approve Resolution (2024) 2567

H. PUBLIC HEARINGS

- 1. Voluntary Satellite Annexation Petition #ANX-23-06
2525 US Highway 70 EastPage 17
Presenter: Ashley Harris, Planner

Voluntary contiguous annexation petition (ANX-23-06) submitted by Drew Thigpen and Garner Property QOZB LLC to bring 16.85+/- acres into the corporate limits of the Town of Garner. The property is generally located at 2525 US Highway 70 East and may be otherwise identified as Wake County PIN 1740122349.

Action: Consider adoption of Ordinance (2024) 5242

- 2. Voluntary Contiguous Annexation Petition #ANX-23-08
Timber Drive Associates LP Page 23
Presenter: Ashley Harris, Planner

Voluntary contiguous annexation petition (ANX-23-08) submitted by Andy McGinty and Timber Drive Associates LP to bring 24.63 +/- acres and 5.57 +/- acres of adjacent intervening public right-of-way for a total of 27.20 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 0 Timber Drive East and may be otherwise identified as Wake County PIN(s) 1720738299 & 1720732562.

Action: Consider adoption of Ordinance (2024) 5243

- 3. Voluntary Contiguous Annexation Petition # ANX-23-11
3201 Waterfield Drive Page 29
Presenter: Reginald Buie, Zoning Administrator

Voluntary contiguous annexation petition (ANX-23-11) submitted by Alfred B. Goodrich to bring 5.34 +/- acres and 1.8 +/- acres of adjacent intervening public right-of-way (7.14 +/- acres total) into the corporate limits of the Town of Garner. The property is generally located at 3201 Waterfield Drive and may be otherwise identified as Wake County PIN 1730033129.

Action: Consider motion to adopt Ordinance (2024) 5244

I. NEW/OLD BUSINESS

- 1. Zoning Text Amendment # ZTA-23-04, Technical Corrections Page 34
Presenter: Jeff Triezenberg, Planning Director

Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct technical errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.

Action: Consider approval by adopting Ordinance (2024) 5245

J. COMMITTEE REPORTS

K. MANAGER REPORTS

L. ATTORNEY REPORTS

M. COUNCIL COMMENTS

N. CLOSED SESSION

Pursuant to N.C. General Statutes Section 143.318.11(a)(3) to consult with the Town Attorney regarding litigation.

O. ADJOURN

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: MLK Dream in Action Award		
Location on Agenda: Presentations		
Department: Administration		
Contact: Rodney Dickerson, Town Manager		
Presenter: Wilma McClain, MLK Committee		
Brief Summary: The MLK Committee will present the Martin Luther King, Jr.'s Dream in Action Award to the Town of Garner's Communication staff.		
Recommended Motion and/or Requested Action:		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	SG	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024 <input type="button" value="v"/>		
Subject: Present Life Saving Awards		
Location on Agenda: Presentations <input type="button" value="v"/>		
Department: Police		
Contact: Shannon Grice, Executive Assistant		
Presenter: Chief Lorie Smith		
Brief Summary: Present awards and recognize Officers Faolan Brooks, Andy Cabrera, Daniel Lambert and Jared Mossbrook for life saving efforts on a September 2023 emergency call.		
Recommended Motion and/or Requested Action: n/a		
Detailed Notes:		
Funding Source: n/a		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	LAS	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

**GARNER POLICE DEPARTMENT
PERFORMANCE AWARD APPLICATION**



NAME OF EMPLOYEE(S) MAKING NOMINATION: R. Tichenor	DATE: 11/27/2023
---	-------------------------

NAME OF EMPLOYEE(S) BEING NOMINATED:

F. Brooks, D. Lambert, J. Mossbrook, A. Cabrera

PLEASE CHECK THE PERFORMANCE AWARD YOU ARE NOMINATING FOR:

Incident Based Awards	Sustained Performance Awards
<input type="checkbox"/> Medal of Honor	<input type="checkbox"/> "Rob Apple" Officer of the Year
<input type="checkbox"/> Medal of Valor	<input type="checkbox"/> Achievement Award
<input type="checkbox"/> Meritorious Conduct	<input type="checkbox"/> Distinguished Service
<input type="checkbox"/> Departmental Commendation	
<input type="checkbox"/> Purple Heart Award	
<input checked="" type="checkbox"/> Life-Saving Award	

JUSTIFICATION FOR THE ABOVE AWARD (Attach supporting documentation as appropriate):

On September 25, 2023 D platoon Officers listed above responded to the YMCA at 2110 Aversboro Rd in reference to a code blue. Call notes stated a 70 year old male passed out, hit his head and was unconscious. When Officer Mossbrook and Cabrera arrived they were given a YMCA AED machine and immediately started to apply the chest pads. The AED advised a shock was needed and administered. Officer Brooks then began quality CPR on the subject until EMS and Fire arrived. Officer Lambert assisted Officers and EMS on scene ensuring the area was secure and EMS and Fire could enter quickly into the Gym. The subject survived the Cardiac event and met with Officers to show his appreciation

AWARDS COMMITTEE USE ONLY

AWARDS COMMITTEE COMMENTS / FINDINGS:

All agreed award should be granted "Life-Saving Award"

DISPOSITION:

- APPROVED
 NOT APPROVED

CHAIRPERSON

12/05/2023
DATE

David J. Castelino

12/7/2023

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024 <input type="button" value="v"/>		
Subject: Voluntary Contiguous Annexation Petition # ANX-23-16, Town Liles Property		
Location on Agenda: Consent <input type="button" value="v"/>		
Department: Planning		
Contact: Reginald Buie, MPA, CZO; Zoning Administrator		
Presenter: Reginald Buie, MPA, CZO; Zoning Administrator		
Brief Summary: Voluntary contiguous annexation petition (ANX-23-16) submitted by Town of Garner to bring 124.69 +/- acres into the primary corporate limits of the Town of Garner. The property is located at 2518 and 2605 Benson Road and may be otherwise identified as Wake County PINs 1619445820, 1619458482 and 1619537903. An additional 6.44 +/- acres of intervening right-of-way within Rand Road and NC 50 is included with this request for a total of 131.13 +/- acres.		
Recommended Motion and/or Requested Action: Consider motion to set public hearing for February 20, 2024. Adopt Resolution (2024) 2566		
Detailed Notes: Two of the parcels are currently located outside the Town's ETJ in Wake County's zoning jurisdiction but are owned by the Town of Garner. Per the Swift Creek Land Management Plan, while public water distribution lines and sewer outfalls may not be extended through the site, taps to adjacent lines and annexation are allowed. This public hearing was already set for February 20, 2024 at the regular January meeting. This resolution will re-set the public hearing for the same day and will include the larger Liles parcel that was already in the Town's ETJ that recently completed transfer of ownership from the Triangle Land Conservancy to the Town of Garner.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

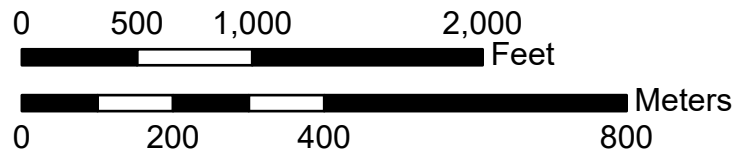


Town of Garner Planning Department

Annexation ANX-23-16



Owner: Town of Garner
Location: 2518 & 2605 BENSON RD
Pin #: 1619-44-5820, 1619-45-8482, 1619-53-7903
Area: +/- 131.13 Acres in total
 +/- 6.44 Acres in Right-of-Way



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: ***Voluntary Contiguous Annexation Petition # ANX-23-16, Town Liles Property***

DATE: February 6, 2024

ANNEXATION APPLICATION: ANX-23-16

OWNERS: Town of Garner

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 2518 and 2605 Benson Road

WAKE COUNTY PIN #: 1619445820, 1619458482 and 1619537903

REAL ESTATE ID #: 0441981, 0371577 and 0009419

AREA: 124.69 +/- acres plus an additional 6.44 +/- acres of intervening and adjacent right-of-way for a total area of 131.13 +/- acres.

ZONING: HD (Wake County), R-80W (Wake County) and Rural Agricultural (RA)

ASSOCIATED DEVELOPMENT PLAN: n/a

RECOMMENDATION: Set Public Hearing for February 20, 2024.

RESOLUTION NO. (2024) 2566

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31, AS AMENDED**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Garner, North Carolina:

Section 1. That public hearings on the question of annexation of the areas described herein will be held at the Town Hall at 6:00 p.m. on the 20th day of February 2024.

Section 2. The area proposed for annexation is described as follows:

- Case # ANX-23-16, Town Liles Property (Contiguous) – 124.69 +/- acres generally located at 2518 and 2605 Benson Road and may be otherwise identifies as PINs 1619445820, 1619458482 and 1619537903. The request includes 6.44 +/- acres of intervening and adjacent public right-of-way for a total of 131.13 +/- acres.

Section 3. Notice of said public hearings shall be published at least ten (10) days prior to the date of said public hearings.

Duly adopted this 6th day of February 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: Central Pines Area agency on Aging funding		
Location on Agenda: Consent		
Department: Parks, Recreation and Cultural Resources		
Contact: Maria Munoz-Blanco, PRCR Director		
Presenter: Maria Munoz-Blanco, PRCR Director		
Brief Summary: Garner Senior Center is eligible to receive a \$11,093 grant from the Central Pines Area Agency on Aging. Funds are allocated by the General Assembly through the regional aging agencies to support senior centers across the state. The GSC has received this grant in prior years as it is formula based. A local match of 25% is required and will be met with existing FY24 approved operating budget. A budget amendment is included to incorporate the grant funds into the FY24 budget.		
Recommended Motion and/or Requested Action: Consider approval to accept \$11,093 in funding and adopt Ordinance (2024) 5241		
Detailed Notes: Eligible uses of the grant funds are general operations. GSC plans to use the grant funds to update furnishings in the center's dining room and to replace the freezer. The grant amount is calculated by the aging agency and requires a 25% local match (\$3,698). The matching funds are from the approved FY24 budget for the GSC operations, specifically the utilities payment. No new funds are required to meet the match requirement.		
Funding Source: n/a		
Cost: \$3,698	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations: 		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	MMB	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

January 8, 2024

To: Jodi Miller, Assistant Town Manager

From: Maria Munoz-Blanco, Director of Parks, Recreation & Cultural Resources (PRCR)

Re: Triangle J Area Agency on Aging Grant

The Garner Senior Center has been awarded a Senior Center General Purpose Grant by the Area Agency on Aging in the amount of \$11,093. This is a formula-based grant funded by the General Assembly through the regional aging agencies to support 170 senior centers across the state. A local match of 25% (\$3,698.00) is required and will be met with existing FY24 approved operating budget. A budget amendment is required to incorporate the grant funds into the FY24 budget.

The Garner Senior Center has received this grant in prior years. The grant is awarded to support general operations, programming, or facility renovations and maintenance. For the FY24 grant, the Garner Senior Center will use the grant funds to replace the broken freezer in the GSC kitchen as well as replacement chairs and tables for the dining room.

Staff Recommendation

That the Town Council approve the acceptance of the grant and budget amendment.

ORDINANCE NO. (2024) 5241

ORDINANCE AMENDING ORDINANCE NO. (2023) 5209 WHICH ESTABLISHED THE OPERATING BUDGET

BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina:

Section One. That the GENERAL FUND be amended as follows:

Revenue Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	REVENUE CHANGE	REVISED BUDGET
10302000-411093	Senior Center Grant		\$ -	\$ 11,093	\$ 11,093

TOTAL REVENUE INCREASE (DECREASE) \$ 11,093.00

Expenditure Amendment Request

ACCOUNT NUMBER	DESCRIPTION	PROJECT	CURRENT BUDGET	EXPENDITURE CHANGE	REVISED BUDGET
10574000-523300	Department Supplies	30700	\$ 4,160	\$ 11,093	\$ 15,253

TOTAL EXPENDITURE INCREASE (DECREASE) \$ 11,093.00

Section Two. Copies of this ordinance shall be furnished to the Finance Director and the Town Clerk for their direction in the disbursement of the Town's funds and for public inspection.

Duly adopted this 6th day of February, 2024.

Buddy Gupton, Mayor

ATTEST:

Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: Surplus Property		
Location on Agenda: Consent <input type="checkbox"/>		
Department: Finance		
Contact: David Beck, Finance Director		
Presenter: David Beck, Finance Director		
<p>Brief Summary:</p> <p>The Public Works department has several items including a truck, utility vehicle, and a salt spreader that are being replaced as part of the VERT program. Approval is sought to surplus the old items and allow them to be sold. The proceeds will supplement the VERT budget to purchase replacement equipment.</p> <p>Also, the Police Department has a storage shed that is in a state of disrepair. They are seeking approval to dismantle the shed and dispose of the debris.</p>		
<p>Recommended Motion and/or Requested Action:</p> <p>Approve Resolution (2024) 2567</p>		
Detailed Notes:		
Funding Source: N/A		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	DCB	
Finance Director:	DCB	
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

RESOLUTION NO. (2024) 2567

RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PERSONAL PROPERTY

WHEREAS, pursuant to N.C.G.S. 160A-265 municipalities are authorized to dispose of personal property.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Garner:

That the Town Manager is hereby authorized to sell the following items as provided by G.S. 160A-266:

Asset Tag #	Year	Make/Model	Vin/Serial #
223	2011	Ford Ranger 2WD	1FTKR1ADXBPA30431
5099	2016	Torwell Salt/Sand Spreader	4DPT06D-1024SS
4117	2017	John Deere TX Turf Gator	1MOTURFJVAM120350
244-1	1991	Police 10x12 Storage Shed	

AND BE IT FURTHER RESOLVED by the Garner Town Council that the Town Manager is hereby authorized to sell these items by private sale at a negotiated price as provided for by G.S. 160A-267.

Duly adopted this the 6th day of February 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella L. Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: Voluntary Satellite Annexation Petition #ANX-23-06, 2525 US Highway 70 East		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Ashley Harris, Planner II		
Presenter: Ashley Harris, Planner II		
Brief Summary: Voluntary contiguous annexation petition (ANX-23-06) submitted by Drew Thigpen and Garner Property QOZB LLC to bring 16.85+/- acres into the corporate limits of the Town of Garner. The property is generally located at 2525 US Highway 70 East and may be otherwise identified as Wake County PIN 1740122349.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2024) 5242		
Detailed Notes: This petition follows a request for public water and sewer at Guy Road Warehouse (SUP-SP-22-01), approved December 5, 2022; per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service. The property is currently in the Town's ETJ, but would be incorporated into the Town's satellite corporate limits if approved.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

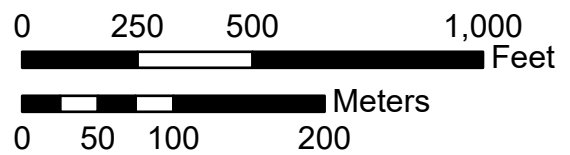
Annexation ANX-23-06



Existing Town Limits

SITE

Owner: Garner Property QOZB LLC
Location: Guy Rd.
Project: Guy Road Warehouse
Pin #: 1740-12-2349
Area: +/- 16.37 AC



Scale: 1:5,000



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Ashley Harris, Planner II

SUBJECT: *Voluntary Annexation Petition # ANX-23-06, 2525 US Hwy 70 East*

DATE: February 6, 2024

ANNEXATION PETITION: ANX-23-06

OWNERS: Garner Property QOZB LLC

CONTIGUOUS / SATELLITE: Satellite

LOCATION OF PROPERTY: 2525 US 70 HWY E

WAKE COUNTY PIN #: 1740122349

REAL ESTATE ID #: 0082889

AREA: 16.85 +/- acres

ZONING: Light Industrial (LI)
Commercial Highway Overlay (CHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer at Guy Road Warehouse Drive (SUP-SP-22-01), approved December 5, 2022; Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Consider adoption of attached ordinance.

Key Dates:

SET PUBLIC HEARING: December 19, 2023

PUBLIC HEARING: February 6, 2024

ANNEXATION EFFECTIVE: February 6, 2024

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2024) 5242

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,
NORTH CAROLINA**

WHEREAS, the Town Council of the Town of Garner has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council 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 900 7th Avenue in the Town of Garner Town Hall at 6:00 PM on February 6, 2024, after due notice was published electronically on the Town's website on January 26, 2024; and

WHEREAS, the Town Council finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Garner;
- b. Where annexation agreements with neighboring municipalities are absent, no point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the Town of Garner;
- c. The area described is so situated that the Town of Garner will be able to provide the

same services within the proposed satellite corporate limits that it provides within the primary corporate limits;

- d. No subdivision, as defined in G.S. 160D-802, will be fragmented by this proposed annexation;

WHEREAS, the Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Garner and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Garner as of February 6, 2024:

ANX-23-06, 2525 US Hwy 70 East – Satellite annexation:

16.85 +/- acres located generally at 12525 US 70 HWY E; Wake County PIN # 1740122349.

Legal Description for Annexation

BEING ALL OF THAT PARCEL OR TRACT OF LAND CONVEYED TO JOHN J FERORE AND JOANN M FEORE AS DESCRIBED IN DEED BOOK 8683 AT PAGE 1083 OF THE WAKE COUNTY REGISTER OF DEEDS (PIN 1740122349) LOCATED IN ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT 1.5" IRON PIPE FOUND ON THE NORTHEASTERN RIGHT OF WAY US HIGHWAY 70 EAST AND THE SOUTHERN CORNER OF THE PARCEL DESCRIBED IN DEED BOOK 8683 AT PAGE 1083, SAID IRON PIPE BEING THE TRUE POINT OF BEGINNING AND HAVING NORTH CAROLINA STATE PLANE COORDINATES OF N=702,064.86' AND E= 2,141,258.86'; THENCE FROM THE POINT OF BEGINNING AND WITH SAID NORTHEASTERN RIGHT OF WAY, N61°03'31" W A DISTANCE OF 1370.22 FEET TO A 3/4" IRON PIPE FOUND; THENCE LEAVING SAID RIGHT OF WAY S88°30'07" E A DISTANCE OF 276.06 FEET TO A 1.5" IRON PIPE FOUND; THENCE S88°30'07" E A DISTANCE OF 155.59 FEET TO 3/4" IRON PIPE FOUND; THENCE S88°30'07" E A DISTANCE OF 281.06 FEET TO A 1" IRON PIPE FOUND; THENCE S88°30'07" E A DISTANCE OF 120.66 FEET TO A COMPUTED POINT, SAID POINT BEING 0.23 FEET SOUTH OF A BENT 3/4" IRON PIPE FOUND; THENCE, S88°30'07" E A DISTANCE OF 425.66 FEET TO A 3/4" IRON PIPE FOUND; THENCE S88°30'07" E A DISTANCE OF 108.85 FEET TO A BENT 3/4" IRON PIPE FOUND;

THENCE S88°30'07" E A DISTANCE OF 64.28 FEET TO A 1" IRON PIPE FOUND; THENCE, S88°30'07" E A DISTANCE OF 235.07 FEET TO A COMPUTED POINT ON THE SOUTHWESTERN RIGHT OF WAY OF GUY ROAD, SAID POINT BEING 0.43 FEET NORTH OF A 1.5" IRON PIPE FOUND; THENCE, LEAVING SAID RIGHT OF WAY S88°30'07" E A DISTANCE OF 32.31 FEET TO A PK NAIL FOUND IN THE CENTERLINE OF GUY ROAD; THENCE, WITH SAID CENTERLINE S20°17'07" E A DISTANCE OF 419.86 FEET TO A PK NAIL SET; THENCE CONTINUING WITH SAID CENTERLINE S18°40'07" E A DISTANCE OF 158.18 FEET TO A PK NAIL SET; THENCE, LEAVING SAID CENTERLINE, S84°01'06" W A DISTANCE OF 30.75 FEET TO A COMPUTED POINT ON THE SOUTHWESTERN RIGHT OF WAY GUY ROAD, SAID POINT BEING 1.27 FEET SOUTHEAST FROM A 0.5" X2.5" IRON FOUND; THENCE LEAVING SAID RIGHT OF WAY, S84°01'06" W A DISTANCE OF 204.32 FEET TO A 1.5" IRON PIPE FOUND; THENCE S84°01'06" W A DISTANCE OF 3.70 FEET TO A 1.5" IRON PIPE FOUND; THENCE, S83°46'04" W A DISTANCE OF 461.31 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 733,888 SQUARE FEET OR 16.85 ACRES, MORE OR LESS.

Section 2. Upon and after February 6, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner 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 Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 6th day of February 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: Voluntary Contiguous Annexation Petition #ANX-23-08, Timber Drive Associates LP		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Ashley Harris, Planner II		
Presenter: Ashley Harris, Planner II		
Brief Summary: Voluntary contiguous annexation petition (ANX-23-08) submitted by Andy McGinty and Timber Drive Associates LP to bring 24.63 +/- acres and 5.57 +/- acres of adjacent intervening public right-of-way for a total of 27.20 +/- acres into the corporate limits of the Town of Garner. The property is generally located at 0 Timber Drive East and may be otherwise identified as Wake County PIN(s) 1720738299 & 1720732562.		
Recommended Motion and/or Requested Action: Consider adoption of Ordinance (2024) 5243		
Detailed Notes: This petition follows a request for public water and sewer at Timber Drive Apartments (CUP-SP-20-03) and Timber Drive Townhomes (CUP-SB-20-04), approved November 17, 2020; Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town of Garner Planning Department

Annexation ANX-23-08



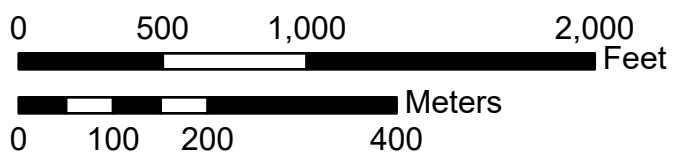
Owners: Timber Drive Associates LP,
Castle Development Partners LLC

Location: Timber Dr. East

Development: Timber Drive Apartments and Townhomes

Pin #: 1720-73-8299, 1720-73-2562

Area: +/- 21.63 Acres on Site,
+/- 27.2 Acres Total Including Right-of-Way



Scale: 1:8,000 Page 24



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Ashley Harris, Planner II

SUBJECT: *Voluntary Contiguous Annexation Petition # ANX-23-08, Timber Drive Associates LP*

DATE: February 6, 2024

ANNEXATION APPLICATION: ANX-23-08

OWNERS: Timber Drive Associates, LP

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 0 Timber Dr E

WAKE COUNTY PIN #: 1720738299, 1720732562

REAL ESTATE ID #: 0481154, 0503312

AREA: 24.63 +/- acres plus 5.57 +/- acres of adjacent intervening right-of-way for a total of 27.20 +/- acres

ZONING: Multifamily B (MF-B C228) Conditional Limited Access Highway Overlay (LHO) District

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer at Timber Drive Apartments (CUP-SP-20-03) and Timber Drive Townhomes (CUP-SB-20-04), approved November 17, 2020; Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Consider adoption of attached ordinance.

KEY DATES:

SET PUBLIC HEARING: December 19, 2023

PUBLIC HEARING: February 6, 2024

ANNEXATION EFFECTIVE: February 6, 2024

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2024) 5243

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,
NORTH CAROLINA**

WHEREAS, the Town Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 6:00 p.m. on March 21, 2023, after due notice was published electronically on the Town's website on March 10, 2023; and

WHEREAS, the Town Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Garner as of February 6, 2024:

ANX-23-08, Timber Drive Associates LP – Contiguous annexation:
24.63 +/- acres plus 5.57 +/- acres of adjacent intervening right-of-way for a total
of 27.20 +/- acres generally at 0 Timber Dr E; Wake County PIN(s) 1720738299,
1720732562.

Legal Description for Annexation

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATED IN THE COUNTY OF
WAKE, STATE OF NORTH CAROLINA, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE ON THE EASTERN R/W OF TIMBER DRIVE
EAST AND HAVING NC GRID COORDINATES NORTHING: 703,530.53 FEET AND
EASTING: 2,126,939.72 FEET BEING THE POINT OF BEGINNING;

THENCE WITH THE LANDS OF ASHTON VILLAGE LTD PTNRP (DB 11720 PG 47), N
59° 25' 44" E FOR A DISTANCE OF 524.40 FEET TO AN IRON ROD SET. THENCE
WITH THE LANDS OF ASHTON VILLAGE LTD PTNRP (DB 12586 PG 68) THE
FOLLOWING COURSES, S 30° 37' 15" E FOR A DISTANCE OF 151.96 FEET TO AN
EXISTING IRON PIPE. THENCE, N 85° 26' 45" E FOR A DISTANCE OF 161.31 FEET
TO AN EXISTING IRON PIPE. THENCE WITH THE LANDS OF TIMBER DRIVE
ASSOCIATES LP (MULTI-FAMILY TRACT DB 18239 PG 2132) THE FOLLOWING
COURSES, S 36° 58' 07" W FOR A DISTANCE OF 182.96 FEET TO AN IRON ROD
SET. THENCE, S 54° 31' 16" W FOR A DISTANCE OF 89.84 FEET TO AN IRON ROD
SET. THENCE, S 47° 51' 50" W FOR A DISTANCE OF 147.42 FEET TO AN IRON ROD
SET. THENCE, S 47° 51' 50" W FOR A DISTANCE OF 77.49 FEET TO AN IRON ROD
SET. THENCE, S 47° 51' 50" W FOR A DISTANCE OF 13.67 FEET TO AN IRON ROD
SET. THENCE WITH A CURVE TURNING TO THE LEFT THROUGH A DISTANCE OF
42.99 FEET, HAVING A RADIUS OF 161.81 FEET, AND A CHORD S 48° 17' 47" W
FOR A DISTANCE OF 42.87 FEET TO AN IRON ROD SET. THENCE, S 41° 06' 36" W
FOR A DISTANCE OF 78.53 FEET TO AN IRON ROD SET. THENCE WITH THE
EASTERN R/W OF TIMBER DRIVE EAST THE FOLLOWING COURSES, WITH A
CURVE TURNING TO THE RIGHT A DISTANCE OF 382.57 FEET, HAVING A RADIUS
OF 1195.00 FEET, AND A CHORD N 39° 43' 06" W FOR A DISTANCE OF 380.94
FEET TO AN IRON ROD SET. THENCE N 30° 32' 49" W A DISTANCE OF 4.99 FEET
TO THE POINT OF BEGINNING. CONTAINING 4.053 ACRES MORE OR LESS AND
BEING THE PROPERTY OF TIMBER DRIVE ASSOCIATES LP RECORDED IN DEED
BOOK 18239 PAGE 2132 AND SHOWN AS "TOWNHOME TRACT" ON BOOK OF
MAPS 2023 PAGE 36 IN THE WAKE COUNTY REGISTRY. Includes 5.57 +/- acres of
adjacent intervening right-of-way within Timber Drive East for a total annexation
area of 27.20 +/- acres.

Section 2. Upon and after February 6, 2024, the above-described territory and its
citizens and property shall be subject to all debts, laws, ordinances and regulations in force in
the Town of Garner and shall be entitled to the same privileges and benefits as other parts of
the Town of Garner said territory shall be subject to municipal taxes according to G.S. 160A-

58.10.

Section 3. The Mayor of the Town of Garner 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 Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 6th day of February 2024.

Buddy Gupton, Mayor

ATTEST:

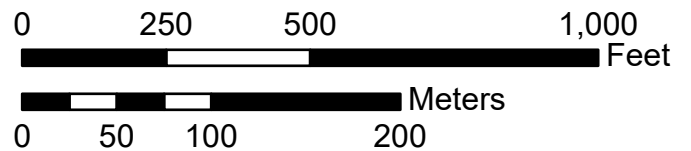
Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: Voluntary Contiguous Annexation Petition # ANX-23-11, 3201 Waterfield Drive		
Location on Agenda: Public Hearings		
Department: Planning		
Contact: Reginald Buie, MPA, CZO; Zoning Administrator		
Presenter: Reginald Buie, MPA, CZO; Zoning Administrator		
<p>Brief Summary: Voluntary contiguous annexation petition (ANX-23-11) submitted by Alfred B. Goodrich to bring 5.34 +/- acres and 1.8 +/- acres of adjacent intervening public right-of-way (7.14 +/- acres total) into the corporate limits of the Town of Garner. The property is generally located at 3201 Waterfield Drive and may be otherwise identified as Wake County PIN 1730033129.</p>		
<p>Recommended Motion and/or Requested Action: Consider motion to adopt Ordinance (2024) 5244</p>		
<p>Detailed Notes: This petition accompanies the site plan for 3201 Waterfield Drive (SP-22-10) that was approved on September 30, 2022. Per the Raleigh-Garner Merger Agreement, an annexation petition is required for the extension of service.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Owner: Vanguard Ventures II Eat LLC
Location: Waterfield Dr.
Development: 3201 Waterfield Dr.
Pin #: 1730-03-3129
Area: +/- 7.14 AC



Scale: 1:4,000



Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Reginald Buie, MPA, CZO; Zoning Administrator

SUBJECT: *Voluntary Contiguous Annexation Petition # ANX-23-11, 3201 Waterfield Drive*

DATE: February 6, 2024

ANNEXATION APPLICATION: ANX-23-11

OWNERS: Alfred B. Goodrich

CONTIGUOUS / SATELLITE: Contiguous

LOCATION OF PROPERTY: 3201 Waterfield Drive

WAKE COUNTY PIN #: 1730033129

REAL ESTATE ID #: 0377133

AREA: 5.34 +/- acres plus 1.8 +/- acres of adjacent intervening public right-of-way for a total of 7.14 +/- acres

ZONING: Light Industrial (LI)

ASSOCIATED DEVELOPMENT PLAN: This petition follows a request for public water and sewer for 3201 Waterfield Drive (SP-22-10), which was approved on September 30, 2022. Per the *Raleigh-Garner Merger Agreement*, an annexation petition is required for the extension of service.

RECOMMENDATION: Consider adoption of attached ordinance.

KEY DATES:

SET PUBLIC HEARING: December 19, 2023

PUBLIC HEARING: February 6, 2024

ANNEXATION EFFECTIVE: February 6, 2024

Return to:
Stella Gibson
Town of Garner
900 7th Avenue
Garner, NC 27529

ORDINANCE NO. (2024) 5244

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GARNER,
NORTH CAROLINA**

WHEREAS, the Town Council has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition, and a public hearing on the question of this annexation was held at the Town Hall at 6:00 p.m. on March 21, 2023, after due notice was published electronically on the Town's website on March 10, 2023; and

WHEREAS, the Town Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Garner, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory, is hereby annexed and made part of the Town of Garner as of

February 6, 2024:

ANX-23-11, 3201 Waterfield Drive – Contiguous Annexation:

5.34 +/- acres plus 1.8 +/- acres of adjacent intervening public right-of-way for a total of 7.14 +/- acres located 3001 Waterfield Drive and may otherwise be identified as Wake County PIN 1730033129 or Real Estate ID 0377133.

Legal Description for Annexation

BEING ALL of Lot 12, containing approximately 5.34 +/- acres, as shown on that plat entitled “Subdivision Final Plat & Right of Way Dedication for Greenfield South” dated September 2007, prepared by Murphy Geomatics Professional Land Surveying and recorded in Book of Maps 2009, Pages 131 through Page 139, Wake County Registry. Includes 1.8 +/- acres of adjacent intervening public right-of-way within Waterfield Drive for a total annexation area of 7.14 +/- acres.

Section 2. Upon and after February 6, 2024, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Garner and shall be entitled to the same privileges and benefits as other parts of the Town of Garner and said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Garner 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 Wake County Board of Elections, as required by G.S. 163-288.1.

Adopted this 6th day of February 2024.

Buddy Gupton, Mayor

ATTEST:

Stella Gibson, Town Clerk

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: February 6, 2024		
Subject: Zoning Text Amendment # ZTA-23-04, Technical Corrections		
Location on Agenda: Old/New Business		
Department: Planning		
Contact: Jeff Triezenberg, AICP, GISP; Planning Director		
Presenter: Jeff Triezenberg, AICP, GISP; Planning Director		
Brief Summary: Text amendment (ZTA-23-04) submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct technical errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.		
Recommended Motion and/or Requested Action: Consider approval by adopting Ordinance (2024) 5245		
Detailed Notes: This zoning text amendment package was discussed with the Town Council at their regular work session on October 30, 2023. It was agreed at that time to calendar the case for public hearing on December 19, 2023. The case was reviewed by the Planning Commission on January 8th and was unanimously recommended for approval. See attached staff report for additional information.		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JST	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Planning Department Memorandum

TO: Honorable Mayor Gupton and Town Council Members

FROM: Jeff Triezenberg, AICP, GISP; Planning Director

SUBJECT: *Text Amendment # ZTA-23-04, Technical Corrections*

DATE: February 6, 2024

I. REQUEST

Text amendment submitted by staff to amend the Town of Garner Unified Development Ordinance (UDO) to correct technical errors and omissions in the initial adoption of the Garner Forward version of the UDO on July 5, 2023.

II. BACKGROUND

Since the adoption of the Garner Forward version of the UDO, staff across departments have been tracking errors in the adopted document requiring fixes. Errors have resulted from typos, copying mistakes, moving sections of text multiple times during the drafting process, inadvertently creating contradictory language in different sections, and inadvertently changing the intent of the ordinance where none was intended, omissions, and other reasons. Staff is not under any misconception that the proposed fixes identified here are exhaustive; however, there are enough significant errors warranting a case of corrections to be considered at this time.

III. PROPOSED CHANGES

2.3. NONCONFORMING USES

...

2.3.2. Exceptions

The following uses shall not be subject to the requirements of this Section:

- A. Single-Family Detached Uses in the MF-A or MF-B Zoning Districts

(Note: Re-number existing subsections 2.3.2. through 2.3.5. as subsections 2.3.3. through 2.3.6.)

3.3. PLANNING COMMISSION

...

3.3.2. Membership and Terms

- A. Number

Per G.S. § 160D-301, **the** Planning Commission shall consist of seven members. The number of Planning Commission members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. **ETJ area representatives shall have equal rights, privileges, and duties with the other members of the Planning Commission, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.**

...

3.4. BOARD OF ADJUSTMENT

...

3.4.2. Membership and Terms

- A. Number

Per G.S. § 160D-302, the BOA shall consist of five regular members and three alternate members. The number of both regular and alternate BOA members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. **ETJ area representatives shall have equal rights, privileges, and duties with the other members of the BOA, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.**

...

4.3. REVIEW AUTHORITY TABLE

The Review Authority Table displays decision types, the participants in the review process, and their respective roles.

Figure 4.3-A: Review Authority Table

PROCESS	TYPE	REVIEW	FINAL ACTION	APPEAL PROCESS	PUBLIC NOTICE LEVEL (SEE SECTION 4.4.6.)	SECTION
<i>44.5. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - SUBDIVISIONS</i>						
...						
<i>44.6. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS – MAP AND TEXT AMENDMENTS</i>						
...						
Text Amendment	Leg	Planning Director/ Planning Commission	Town Council	Superior Court	A, B, C	4.6.3.
<i>44.7. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - PERMITS</i>						
...						
<i>44.9. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - MISCELLANEOUS</i>						
...						
<i>44.10. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - ENVIRONMENTAL</i>						
...						

4.4. COMMON REVIEW PROCEDURES

...

4.4.6. Public Notice Requirements

A. Published

The Planning Director shall place an advertisement on the Town’s official webpage once a week for two successive weeks. The first notice shall be published no less than 10 days and no more than 25 days prior to the hearing. The contents of the published notice shall include:

1. The general location ~~(including a map for mailed notices)~~ (n/a for text amendments);
2. The parcel number and/or street address (n/a for text amendments);
3. A description or summary of the action requested;
4. Current and proposed zoning districts (rezonings only);
5. The time and location of the anticipated public hearing;

6. ~~Phone number and email of the appropriate applicant's contact~~ **Identity of the applicant;**
7. Phone number and email of the appropriate Town contact;
8. A statement that interested parties may appear at the hearing; and
9. A statement that substantial changes to the proposed action may occur following the hearing.

...

C. Mailed

1. Mailed notice shall **include the applicable contents in the published notice along with a map and shall** be provided to all property owners and occupants of properties abutting or within 800 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.

...

5.6. RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

...

5.6.8. Townhome and Multifamily Standards for Lots/Structures with More than Four Dwelling Units per Structure or Others Not Described Elsewhere

...

Figure 5.6-K: Dimensional Standards for Townhomes and Multifamily Residential Structures Not Regulated Elsewhere

DIMENSIONAL STANDARDS FOR TOWNHOMES AND MULTIFAMILY RESIDENTIAL STRUCTURES NOT REGULATED ELSEWHERE			
	MF-A, NMX	CMX, TBD	MF-B
Minimum Lot Size, for the first five dwelling units (Square Feet)	24,000	24,000	24,000
Minimum Lot Width, per structure (Feet)	60	60	60
Minimum Front Setback (Feet)	10	10	10
Minimum Rear Setback; from rear lot line / alley (Feet)	20/10	20/10	20/10
Minimum Side (Interior) Setback (Feet)	10	10	6
Minimum Side (Corner) Setback (Feet)	10	10	6
Maximum Height (Feet)	35	45	60
Maximum Fross Density (Dwelling Units per Acre)	20	30	50

...

6.1. USE TABLES

...

TABLE OF PERMITTED USES														
P = PERMITTED BY-RIGHT; SEE ADDITIONAL STANDARDS LISTED IN <i>ARTICLE 5.</i> ; S = SPECIAL USE PERMIT														
SPECIFIC USE	RESIDENTIAL DISTRICTS							NONRESIDENTIAL AND MIXED USE DISTRICTS						NOTES
	RA	R2	R4	R8	RMH	MF-A	MF-B	NMX	CMX	TBD	AC	LI	HI	
RESIDENTIAL USE CATEGORY														
Single-Family Detached	P	P	P	P										
...														
Townhouse (>4 dwelling units per structure)						P	P	S	P	S				
...														
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY														
...														
Outdoor Storage (≥10 feet above grade)													P	6.9.5.E.
...														
Warehouse and Freight Movement												S	S P	6.9.5.J.
...														
Sanitary Landfill, Junk or Salvage Yard													S	6.9.5.NM.
...														
AGRICULTURAL AND MISCELLANEOUS USE CATEGORY														
...														
Greenhouse, Nursery (commercial), outdoor operations	SP								P				P	6.11.4.C.
Bona Fide Farms	P	P	P	P	P	P	P	P	P	P	P	P	P	6.11.4.D.
ACCESSORY USE CATEGORY														
Fences and Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	6.12.2.A.
Towers, Antennas, and Satellite Dishes	P	P	P	P	P	P	P	P	P	P	P	P	P	6.12.2.B.
Accessory Solar Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	P	6.12.2.C.
Administrative Office, Artistic Studio, Hobby / Recreational Activities, Renting of Rooms, Daycare	P	P	P	P	P	P	P							6.12.3.A.
Accessory Dwelling Units	P	P	P											6.12.3.B.1.
Backyard Hens	P	P	P	P										6.12.3.B.2.
Automatic One-Bay (Non-Wand Car Wash Facility)								P	P	P	P	P	P	6.12.4.A.1.
Automatic Car Wash Facility										P		P	P	6.12.4.A.2.
Recycling Collection Point								P	P	P	P	P	P	6.12.4.A.3.
Other Accessory Uses and Structures														Includes Lists of Prohibited Uses, and Development and Design Standards; 6.12.
ACCESSORY, TEMPORARY, AND HOME OCCUPATION USE CATEGORY														

6.9. INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY

...

6.9.5. Specific Uses

...

M. Recycling Collection Point

(Note: Move entire existing subsection 6.9.5.M. to become a *new subsection 6.12.4.A.3.*)

NM. Sanitary Landfill, Junk Yard, Salvage Yard

...

6.11. AGRICULTURAL AND MISCELLANEOUS USE CATEGORY

...

6.11.4. Specific Uses

A. Other Agricultural Uses Not Listed

1. Defined

~~N.C. bona fide farms, a~~ Agri-tourism, community garden, and agricultural uses other than those listed below.

2. Use Standards

- a. Structures for keeping and raising of livestock and poultry shall be separated from residentially-zoned property by 300 feet, except those in locations exempted by G.S. § 160D-903.

B. Agriculture or Silviculture

1. Defined

Activities that primarily involve raising, producing, or keeping plants or animals, forest management, tree farms, and timber areas. Also include direct sales of such products at wholesale. ~~Also, see definition of “bona fide farm purposes”, Article 13.~~ For bona fide farms, see *Section 6.11.4.D.*

...

D. Bona Fide Farms

1. Defined

A use located in the Town’s ETJ as defined in and meeting the requirements of G.S. 160D-903. See definition of “bona fide farm purposes”, *Article 13.*

2. Use Standards
 - a. Bona fide farm purposes are exempt from Town zoning regulations.
 - b. Bona fide farm purposes are subject to floodplain regulations in *Article 11*.
 - c. Accessory buildings are subject to building code and UDO regulations except for greenhouses and therapeutic equine facilities.

6.12. ACCESSORY USES AND STRUCTURES

...

6.12.2. General

A. Fences and Walls

Fences and walls are permitted in any yard or along the edge of any yard and to such heights as follows, provided the vision necessary for safe vehicular and pedestrian movement on driveways and streets – **inclusive of required sight triangles** – is not impeded:

1. All Residential, CMX districts

Open and solid fences to four feet in front and corner side yards; solid fences to six feet in side and rear yards; open fences to any structurally-sound height in side and rear yards; solid rear and side yard fences to eight feet ~~as a variance if granted by the Board of Adjustment.~~

...

6.12.3. In Residential Districts

...

B. Restricted Uses – ~~Accessory Dwelling Units (ADUs)~~

1. ~~Districts~~ **Accessory Dwelling Units (ADUs)**

~~Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:~~

a. ~~In the RA district, one ADU is allowed per a lot;~~ **Districts**

Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:

- i. In the RA district, one ADU is allowed per lot;
- ii. In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard; and

iii. In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.

b. ~~In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard;~~ and **Specific Use and Design Standards**

- i. ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;
- ii. ADUs shall have permanent access to utilities;
- iii. ADUs must be on a permanent foundation;
- iv. Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;
- v. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;
- vi. Two off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;
- vii. The ADU must be accessible from an existing driveway;
- viii. An ADU may not be sold separately from its principal dwelling unit; and
- ix. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name.

c. ~~In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.~~

2. ~~Specific Use and Design Standards~~ **Backyard Hens**

Backyard hens are allowed as an accessory to residential uses in the RA, R2, R4 and R8 zoning districts subject to the requirements of Section 3-6 of the Town Code of Ordinances.

- a. ~~ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;~~
- b. ~~ADUs shall have permanent access to utilities;~~
- c. ~~ADUs must be on a permanent foundation;~~
- d. ~~Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;~~

- ~~e. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;~~
- ~~f. Two additional off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;~~
- ~~g. The ADU must be accessible from an existing driveway;~~
- ~~h. An ADU may not be sold separately from its principal dwelling unit;~~
- ~~i. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name; and~~

...

8.2. OPEN SPACE AND RECREATIONAL FACILITIES

...

8.2.6. Dedication or Fee-in-Lieu

The procedure for determining if a ~~subdivider~~ **developer of residential dwelling units** is to dedicate park land or pay a fee-in-lieu of dedication shall be as follows:

A. ~~Subdivider~~ **Developer of Residential Dwelling Units**

With the ~~subdivision plan~~ **submittal of a site-specific vesting plan**, the ~~subdivider~~ **developer** shall indicate whether the ~~subdivider~~ **developer** desires to dedicate park land or pay a fee-in-lieu. If proposing to dedicate park land, the ~~subdivider~~ **developer** shall indicate all areas proposed for dedication on the ~~subdivision~~ **site-specific vesting plan**.

...

8.3. STREETS

...

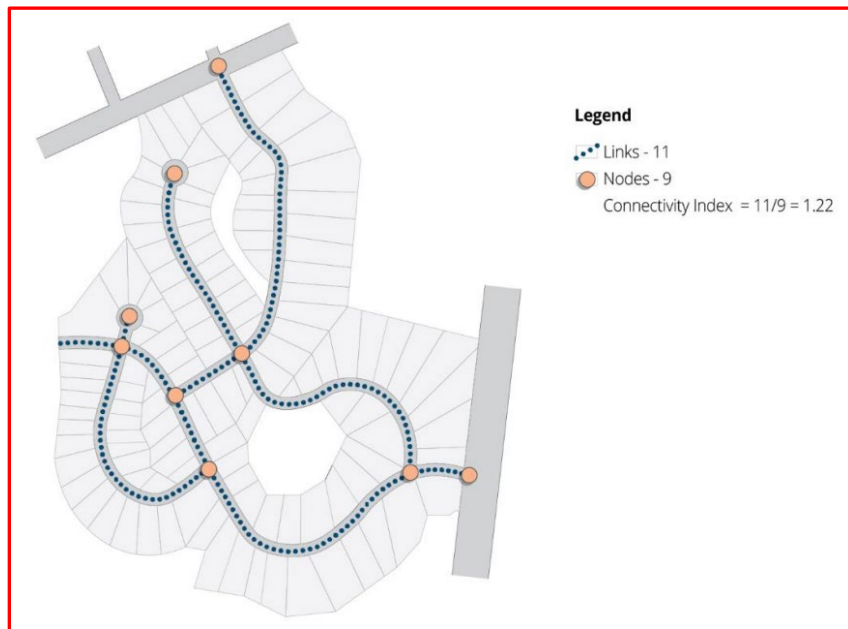
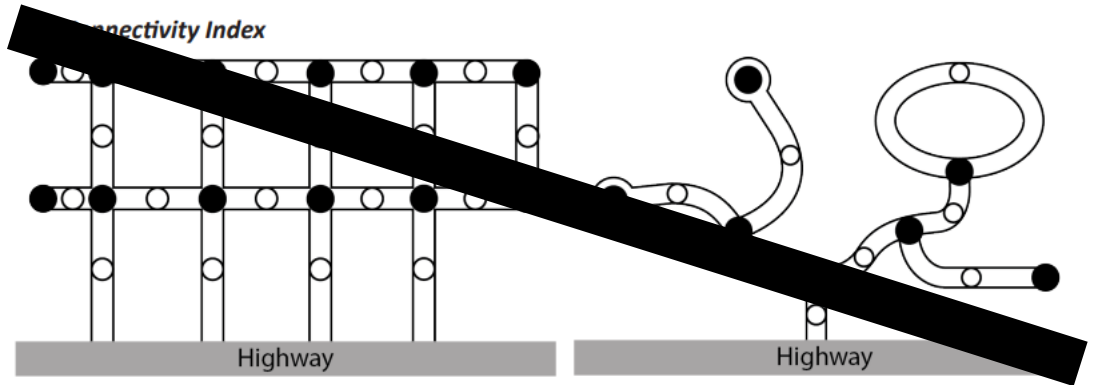
8.3.3. Layout and Coordination

...

B. Connectivity Index

1. A connectivity index shall be used to determine the street layout adequacy. The connectivity index shall be calculated as the ratio of street links to street nodes.

2. For purposes of this Section, the following definitions shall apply:
 - a. Links are defined as road sections between intersections **or road sections from an intersection to a**-street stub-outs, **and or** cul-de-sac heads.
 - b. Nodes are defined as intersections and cul-de-sac heads.



The graphic above illustrates a high-connectivity grid (left) with a connectivity index of approximately 1.6 and a low-connectivity curvilinear layout (right) of approximately 1.1. A perfect grid network has a connectivity index of 2.0.

...

8.3.12. Stub Completion Policy

The Town Council may adopt and amend from time to time a policy to establish objective circumstances under which a public street stub connection shall not be completed within the Town of Garner’s jurisdiction and when alternative connections shall be made. The most current policy is hereby incorporated by reference.

8.4 UTILITIES

...

8.4.14. As-built Drawings Required

...

- B. If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built drawings furnished by the developer of all other utilities.

ARTICLE 9. SITE AND BUILDING DESIGN AND PARKING

9.1. ~~PURPOSE~~ SITE DESIGN STANDARDS

~~If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built Site Design Standards~~

9.1.1. Purpose

...

9.3. PARKING AND LOADING REQUIREMENTS

...

9.3.7. Vehicle Accommodation Areas (VAA)

- A. Design of VAAs shall meet the following standards:
 - 1. Vehicles shall exit the VAA without backing into a public street. This provision shall not apply to driveways serving a single dwelling unit or areas accessed from a minor local street.
 - 2. Vehicles shall not overhang property lines, obstruct public rights-of-way or sidewalks, conflict with vegetation, or damage any structure.
 - 3. VAAs shall not pose a danger to pedestrians or other motorists.
 - 4. ~~VAAs may not interfere with parking areas.~~
 - 5. Dead-end parking areas are prohibited unless a turnaround space is striped, signed and provided.

...

~~G. Head-in or angled parking spaces shall be separated from walkways by at least four feet.~~

H.G. Where head-in, angled, or parallel parking spaces abut a sidewalk or pedestrian way a **minimum** additional two feet of clearance from the parking shall be provided.

10.7. VEHICULAR SURFACE AREAS

...

10.7.2. Landscaping Islands

...

E. Median Islands

1. Median islands shall have a minimum of eight feet inside the curb.
2. Median islands shall be sited between every ~~six~~ **four** single parking rows and continuously along primary internal and external access drives.
3. Median intervals may be expanded in order preserve existing trees of greater than six inches diameter at breast height

...

10.10. SCREENING OF OBJECTIONABLE VIEWS

...

10.10.6. Screening of Industrial or Utility Properties

A. Fencing, walls, hedges, landscaping, berms, natural areas, or any combination thereof shall be provided to obscure uses or any portion of a use with potential external impacts.

...

~~2. No buffering or screening is required in side or rear yards between parcels zoned industrial.~~

3.2. The minimum vegetative buffer between an industrial subdivision and vacant adjacent lots shall be at least 15 feet wide. If the perimeter buffer table in *Section 10.6.* requires a buffer width greater than 15 feet, the minimum width shall meet or exceed the standard in the table.

11.3. TREE CONSERVATION, PRESERVATION, AND PROTECTION

...

11.3.4. Tree Canopy Preservation Requirements

...

D. Tree Canopy Preservation Requirements

...

3. For development within the TBD district:
Where permitted, street trees within adjacent rights-of-way and within 15 feet of the property line may be counted towards the fulfilment of this requirement.

PRESERVED TREE COVER AREA	REPLACEMENT TREE COVER AREA	MINIMUM TOTAL TREE COVER AREA
5.5%	Plus 0% equals	5.5%
4%	Plus 2% equals	6%
2.5%	Plus 4% equals	6.5%
1%	Plus 6% equals	7%
0%	Plus 7.5% equals	7.5%

...

12.3. PERMANENT SIGN QUANTITY AND DIMENSIONAL STANDARDS

12.3.1. General Standards

ZONING DISTRICT	SIGN TYPE	MAXIMUM TOTAL SIGN AREA PER LOT	MAX NUMBER	MAX HEIGHT
RESIDENTIAL DISTRICTS (RA, R2, R4, R8, MF-A, MF-B, RMH)	Freestanding: Permitted Home Occupations and Overnight Accommodation Uses	4 square feet	1	4 feet
	Freestanding: Non-Residential and Non-Overnight Accommodation Uses	32 square feet	1	5 feet
	Wall: Non-Residential Uses	24 square feet	1	5 feet
	Residential Subdivision Signs	See 12.3.4.D.		
NON-RESIDENTIAL AND MIXED-USE DISTRICTS (NMX, CMX, TBD, AC, LI, HI)	Freestanding: 100 square feet maximum total all freestanding and wall signs	60 square feet	1 per street frontage, 2 maximum	12 feet
	Wall	10 percent of wall area	1 per street frontage, 3 maximum	n/a
	Projecting signs	10 square feet	1 per street frontage, 2 maximum	2

13.2. DEFINED TERMS

...

13.2.9. I

Indoor athletic or entertainment facility. Amusement, sporting or other entertainment activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, theaters, escape rooms, video game arcades, laser tag, indoor paint ball, axe throwing, skating rink, banquets, indoor sports and activities of a similar nature. Private gyms, wellness centers and similar uses are included under “Gym, spa, or pool”.

...

13.2.22. V

...

Vehicular Surface Area. ~~The paved or non-paved area intended for vehicular circulation or storage~~ that is paved with permanent pavement. Square footage calculations shall include the total of all vehicular surface areas located in the street, side, and rear yards. This section definition does not apply to single-family residential use or parking structures. ~~Any vehicular surface area, or portions thereof, built after the adoption of this Section, where area is expanded by 25 percent or more, shall be landscaped as required.~~

...

13.2.25. Y

...

Yard, side. The portion of a lot bounded by side lot line(s) and the side line of a principal building or structure (or use in the absence of a principal building or structure), extending the full length of the building, structure, or use and not including any front or rear yard. Where the side lot line is a street right-of-way, that yard may also be more specifically referred to as a corner side yard.

IV. DISCUSSION

Work Session Summary: Staff introduce the text amendment to the Town Council at their work session on October 30, 2023. Please refer to the Town Council Work Session for 10/30/23 video (https://www.youtube.com/watch?v=Jz_CaTrAr4w) at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 1:40:20 minute mark of the video, and discussion took place throughout.

Questions and comments from the Town Council related to the rezoning revolved around:

- Questioning the inclusion of single-family detached in multifamily zoning districts in relation to the new comprehensive plan recommendations going forward,
- Clarifying the location and quantity of Heavy Industrial zoning around the jurisdiction,
- Clarifying definitions of bona fide farm vs. farm-related tax deferment,
- Questioning the role of counties in determining the status of farms,
- Commenting on a specific inclusion of the word “residential” that was not necessary,
- Questioning how AirBnB’s are handled by the UDO and the existence of any related licensing rules,
- Commenting on referencing the street stub completion policy,
- Clarifying the changes to the Vehicular Surface Area definition,
- Clarifying what is included in Vehicular Accommodation Areas,
- Clarifying the impact of proposed changes to landscape islands.

V. PLAN CONSISTENCY

When considering a text amendment request, the Planning Commission is required by state statute to make a written recommendation regarding the consistency of the proposal with the Town’s current Comprehensive Plan and other applicable adopted plans. Specifically, a comprehensive plan is only advisory in nature and has no independent regulatory effect; nor does it expand, diminish or alter the scope of the Town of Garner UDO. A determination of inconsistency with the Plan does not preclude a request from being found to be reasonable. In those cases where the request is deemed inconsistent yet reasonable, an amendment to the Comprehensive Plan is automatically made upon approval of the request.

Staff offered that the Planning Commission should review consistency with the following plans:

- 2018 Garner Forward Comprehensive Plan

Planning Commission Meeting Summary: The Planning Commission conducted a consistency review of the case at their meeting on Monday, January 8, 2024. Please refer to the *Planning Commission Meeting for 1/8/2024* video (<https://www.youtube.com/watch?v=aaaFB9VhuUE>) at the Town of Garner’s YouTube page (<https://www.youtube.com/@TownofGarner/streams>). The staff presentation begins at the 11:40 mark of the video, and discussion with the Commission was interspersed throughout.

Questions and comments from the Planning Commission revolved around:

- Clarification of how existing single-family detached homes in the MF-A district will be handled and how setbacks are applied.
- Clarification of how the public noticing process works through the website.
- Clarification on public comments and the role of the case manager.
- Clarification of the rules regarding backyard hens and enforcement.
- Questions about the zoning enforcement process generally.

- Noting a few typos.
- Suggestions for additional clarification to the definition of Indoor Athletic or Entertainment Facility.
- Clarifications around the existing language for Accessory Dwelling Units.
- Clarifications about as-built drawings and the Town’s receipt of those.
- Clarifications of how the stub completion policy is structured.

Relevant Plan Analysis:

2018 Garner Forward Comprehensive Plan: CONSISTENT

Although primarily mentioned in the context of promoting commercial development, the plan discusses the guiding principle of “aligning the development code with our desired ends”.

Consistency Statement: On a unanimous vote of 7-0, the Planning Commission voted to accept the following consistency statement drafted by staff and recommended approval of ZTA-23-04 to the Town Council with suggested changes agreed upon during the discussion:

“We, the Planning Commission, accept the staff’s consistency analysis and find that although primarily mentioned in the context of promoting commercial development, the plan discusses the guiding principle of ‘aligning the development code with our desired ends’. Whether through consensus or a majority opinion, the successful adoption of a revised regulation may be understood to represent the fulfillment of that principle.”

VI. REASONABLENESS

For zoning text amendments, § 160D-605. *Governing board statement* does not require the Council to make a statement on reasonableness; only a statement on plan consistency is required.

VII. RECOMMENDATION

Staff Recommendation: Staff supports the proposal as detailed in Section III of this report as many of the amendments improve consistency with the remainder of the UDO, and in some cases the amendments correct errors or clarifies consistency with state law; and recommends Town Council approval of the Planning Commission’s statement of consistency presented in Section IV of this report.

Recommended Motion: See following worksheet. Staff has highlighted the most likely motion for both approving (in green – staff recommendation) and denying (in red) the applicant’s request.

If motion is not to accept staff’s statements of consistency, alternative findings must be stated as part of said motion. Alternative findings should be that the amendment is:

- Not consistent with the remainder of the UDO, including, specifically, any purpose and intent statements.
- Not representing a new idea not considered in the existing UDO, or not representing a revision necessitated by changing circumstances over time.
- Not correcting an error in the UDO.
- Not revising the UDO to comply with state or federal statutes or case law.

ZTA-23-04, Technical Corrections

Zoning Amendment Motion Worksheet

Choose one of the following motions (*staff recommendation highlighted in green*):

**1. CONSISTENT
AND APPROVE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, as our own; and I further move that the Town Council adopt Ordinance No. (2024) 5245 approving rezoning **ZTA-23-04**, as the request is reasonable and in the public interest because it will likely (*select all applicable considerations on next page and/or provide your own reasoning*)."

**2. CONSISTENT
BUT NOT
APPROVE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, as our own; however, I also move that the Town Council deny rezoning **ZTA-23-04**, as the request is not reasonable nor in the public interest because it will likely not (*select all applicable considerations on next page and/or provide your own reasoning*)."

**3. INCONSISTENT
YET APPROVE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, and find the request inconsistent due to (*cite and insert land use plan evidence*); yet, I also move that the Town Council adopt Ordinance No. (2024) 5245 approving rezoning **ZTA-23-04**, as the request is still reasonable and in the public interest because it will likely (*select all applicable considerations on next page and/or provide your own reasoning*)."

**4. INCONSISTENT
NOR APPROVE**

"I move that the Town Council accept the Planning Commission's written statement regarding consistency of the zoning amendment request with adopted land use plans, detailed in Section IV of the staff report, and find the request inconsistent due to (*cite and insert land use plan evidence*); and I further move that the Town Council deny rezoning **ZTA-23-04**, as the request is not reasonable nor in the public interest because it will likely not (*select all applicable considerations on next page and/or provide your own reasoning*)."

See next page for staff-identified possible supporting considerations...

Select all applicable supporting considerations to be included in a motion:	
✓	The proposed text amendments are consistent with the remainder of the UDO, including, specifically, any purpose and intent statements.
	The proposed text amendment represents a new idea not considered in the existing UDO, or represents a revision necessitated by changing circumstances over time.
✓	The proposed text amendments correct an error in the UDO.
✓	The proposed text amendments revise the UDO to comply with state or federal statutes or case law.
✓	Other:
	Other: _____

Green = supporting elements, Yellow = perhaps/partial, Red = nothing overtly supporting identified, Gray = likely n/a

ORDINANCE NO. (2023) 5245

**AN ORDINANCE TO AMEND ORDINANCE NO. (2022) 5132 ENTITLED
“THE ‘GARNER FORWARD’ TOWN OF GARNER UNIFIED DEVELOPMENT ORDINANCE
FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION”
REGARDING TECHNICAL CORRECTIONS**

WHEREAS, the Town Council has conducted a public hearing and received a written recommendation from the Planning Commission regarding zoning text amendment case # ZTA-23-04 in keeping with the requirements of Section 4.6.3. of the Town of Garner Unified Development Ordinance; and

WHEREAS, the Town Council finds that although primarily mentioned in the context of promoting commercial development, the comprehensive plan discusses the guiding principle of “aligning the development code with our desired ends”, and that whether through consensus or a majority opinion, the successful adoption of a revised regulation may be understood to represent the fulfillment of that principle; and

WHEREAS, the Town Council further finds the request is reasonable and in the public interest because it is consistent with the remainder of the Unified Development Ordinance, corrects errors in the existing Unified Development Ordinance, and in some cases revises the Unified Development Ordinance to comply with state or federal statutes or case law;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF GARNER HEREBY ORDAINS:

Section One. That Sections 2.3.2. through 2.3.5. be re-numbered as Sections 2.3.3. through 2.3.6, and that a new Section 2.3.2. “Exceptions” be inserted to read as follows:

2.3.2. Exceptions

The following uses shall not be subject to the requirements of this Section:

- A. Single-Family Detached Uses in the MF-A or MF-B Zoning Districts

Section Two. That Section 3.3.2. subsection A. be amended to read as follows:

3.3.2. Membership and Terms

- A. Number

Per G.S. § 160D-301, the Planning Commission shall consist of seven members. The number of Planning Commission members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. ETJ area representatives shall have equal rights, privileges, and duties with the other members of the Planning Commission, regardless of whether the matters at issue arise within the town limits or within the

extraterritorial jurisdiction.

Section Three. That Section 3.4.2. subsection A. be amended to read as follows:

3.3.2. Membership and Terms

A. Number

Per G.S. § 160D-302, the BOA shall consist of five regular members and three alternate members. The number of both regular and alternate BOA members representing in-Town members and ETJ area members shall be distributed proportionally using the most recent decennial Census. ETJ area representatives shall have equal rights, privileges, and duties with the other members of the BOA, regardless of whether the matters at issue arise within the town limits or within the extraterritorial jurisdiction.

Section Four. That Section 4.3. be amended to read as follows:

4.3. REVIEW AUTHORITY TABLE

The Review Authority Table displays decision types, the participants in the review process, and their respective roles.

Figure 4.3-A: Review Authority Table

PROCESS	TYPE	REVIEW	FINAL ACTION	APPEAL PROCESS	PUBLIC NOTICE LEVEL (SEE SECTION 4.4.6.)	SECTION
<i>4.5. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - SUBDIVISIONS</i>						
...						
<i>4.6. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS – MAP AND TEXT AMENDMENTS</i>						
...						
Text Amendment	Leg	Planning Director/ Planning Commission	Town Council	Superior Court	A	4.6.3.
<i>4.7. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - PERMITS</i>						
...						
<i>4.9. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - MISCELLANEOUS</i>						
...						
<i>4.10. SPECIFIC REVIEW PROCEDURES AND DEVELOPMENT APPROVALS - ENVIRONMENTAL</i>						
...						

Section Five. That Section 4.4.6. subsections A. and C. be amended to read as follows:

4.4.6. Public Notice Requirements

A. Published

The Planning Director shall place an advertisement on the Town’s official webpage once a week for two successive weeks. The first notice shall be

published no less than 10 days and no more than 25 days prior to the hearing. The contents of the published notice shall include:

1. The general location (n/a for text amendments);
2. The parcel number and/or street address (n/a for text amendments);
3. A description or summary of the action requested;
4. Current and proposed zoning districts (rezonings only);
5. The time and location of the anticipated public hearing;
6. Identity of the applicant;
7. Phone number and email of the appropriate Town contact;
8. A statement that interested parties may appear at the hearing; and
9. A statement that substantial changes to the proposed action may occur following the hearing.

...

C. Mailed

1. Mailed notice shall include the applicable contents in the published notice along with a map and shall be provided to all property owners and occupants of properties abutting or within 800 feet of the affected parcel as reflected in the Wake County tax records at the time of submittal. When less than an entire parcel of land is subject to the application, the entire parcel shall be used to determine abutting properties and those within 800 feet.

...

Section Six. That Section 5.6.8., Figure 5.6-K be amended to read as follows:

5.6.8. Townhome and Multifamily Standards for Lots/Structures with More than Four Dwelling Units per Structure or Others Not Described Elsewhere

Figure 5.6-K: Dimensional Standards for Townhomes and Multifamily Residential Structures Not Regulated Elsewhere

DIMENSIONAL STANDARDS FOR TOWNHOMES AND MULTIFAMILY RESIDENTIAL STRUCTURES NOT REGULATED ELSEWHERE			
	MF-A, NMX	CMX, TBD	MF-B
Minimum Lot Size, for the first five dwelling units (Square Feet)	24,000	24,000	24,000
Minimum Lot Width, per structure (Feet)	60	60	60
Minimum Front Setback (Feet)	10	10	10
Minimum Rear Setback; from rear lot line / alley (Feet)	20/10	20/10	20/10
Minimum Side (Interior) Setback (Feet)	10	10	6
Minimum Side (Corner) Setback (Feet)	10	10	6
Maximum Height (Feet)	35	45	60
Maximum Gross Density (Dwelling Units per Acre)	20	30	50

Section Seven. That Section 6.1. “Use Tables” be amended to read as follows:

6.1. USE TABLES

...

TABLE OF PERMITTED USES														
P = PERMITTED BY-RIGHT; SEE ADDITIONAL STANDARDS LISTED IN ARTICLE 5.; S = SPECIAL USE PERMIT														
SPECIFIC USE	RESIDENTIAL DISTRICTS							NONRESIDENTIAL AND MIXED USE DISTRICTS						NOTES
	RA	R2	R4	R8	RMH	MF-A	MF-B	NMX	CMX	TBD	AC	LI	HI	
RESIDENTIAL USE CATEGORY														
Single-Family Detached	P	P	P	P										
...														
Townhouse (>4 dwelling units per structure)						P	P	S	P	S				
...														
INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY														
...														
Outdoor Storage													P	6.9.5.E.
...														
Warehouse and Freight Movement												S	P	6.9.5.J.
...														
Sanitary Landfill, Junk or Salvage Yard													S	6.9.5.M.
...														
AGRICULTURAL AD MISCELLANEOUS USE CATEGORY														
...														
Greenhouse, Nursery (commercial), outdoor operations	P								P				P	6.11.4.C.
Bona Fide Farms	P	P	P	P	P	P	P	P	P	P	P	P	P	6.11.4.D.
ACCESSORY USE CATEGORY														
Fences and Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	6.12.2.A.
Towers, Antennas, and Satellite Dishes	P	P	P	P	P	P	P	P	P	P	P	P	P	6.12.2.B.
Accessory Solar Energy Systems	P	P	P	P	P	P	P	P	P	P	P	P	P	6.12.2.C.
Administrative Office, Artistic Studio, Hobby / Recreational Activities, Renting of Rooms, Daycare	P	P	P	P	P	P	P							6.12.3.A.
Accessory Dwelling Units	P	P	P											6.12.3.B.1.
Backyard Hens	P	P	P	P										6.12.3.B.2.
Automatic One-Bay (Non-Wand Car Wash Facility)								P	P	P	P	P	P	6.12.4.A.1.
Automatic Car Wash Facility										P		P	P	6.12.4.A.2.
Recycling Collection Point								P	P	P	P	P	P	6.12.4.A.3.
Other Accessory Uses and Structures														Includes Lists of Prohibited Uses, and Development and Design Standards; 6.12.
TEMPORARY, AND HOME OCCUPATION USE CATEGORY														
...														

Section Eight. That Section 6.6.4., subsection E. be amended to read as follows:

6.6.4. Specific Uses

...

E. Indoor Athletic or Entertainment Facility

1. Defined

Amusement, sporting or other entertainment activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, escape rooms, video game arcades, laser tag, indoor paint ball, axe throwing, skating rink, banquets, indoor sports and activities of a similar nature. Private gyms, wellness centers and similar uses are included under "Gym, spa, or pool".

...

Section Nine. That existing Section 6.9.5., subsection M. be moved to become a new Section 6.12.4., subsection A.3.; and that Section 6.9.5., subsection N. be re-numbered as Section 6.9.5., subsection M.

Section Ten. That Section 6.11.4., subsections A. and B. be amended; and that a new Section 6.11.4., subsection D. be inserted to read as follows:

6.11.4. Specific Uses

A. Other Agricultural Uses Not Listed

1. Defined

Agri-tourism, community garden, and agricultural uses other than those listed below.

2. Use Standards

- a. Structures for keeping and raising of livestock and poultry shall be separated from residentially-zoned property by 300 feet, except those in locations exempted by G.S. § 160D-903.

B. Agriculture or Silviculture

1. Defined

Activities that primarily involve raising, producing, or keeping plants or animals, forest management, tree farms, and timber areas. Also include direct sales of such products at wholesale. For bona fide farms, see *Section 6.11.4.D.*

...

D. Bona Fide Farms

1. Defined

A use located in the Town’s ETJ as defined in and meeting the requirements of G.S. 160D-903. See definition of “bona fide farm purposes”, *Article 13*.

2. Use Standards
 - a. Bona fide farm purposes are exempt from Town zoning regulations.
 - b. Bona fide farm purposes are subject to floodplain regulations in *Article 11*.
 - c. Accessory buildings are subject to building code and UDO regulations except for greenhouses and therapeutic equine facilities.

Section Eleven. That Section 6.12.2., subsection A. and Section 6.12.3., subsection B. be amended to read as follows:

6.12.2. General

A. Fences and Walls

Fences and walls are permitted in any yard or along the edge of any yard and to such heights as follows, provided the vision necessary for safe vehicular and pedestrian movement on driveways and streets – inclusive of required sight triangles – is not impeded:

1. All Residential, CMX districts

Open and solid fences to four feet in front and corner side yards; solid fences to six feet in side and rear yards; open fences to any structurally-sound height in side and rear yards; solid rear and side yard fences to eight feet.

...

6.12.3. In Residential Districts

...

B. Restricted Uses

1. Accessory Dwelling Units (ADUs)

a. Districts

Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:

- i. In the RA district, one ADU is allowed per lot;
- ii. In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard; and
- iii. In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.

b. Specific Use and Design Standards

- i. ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;
- ii. ADUs shall have permanent access to utilities;
- iii. ADUs must be on a permanent foundation;
- iv. Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;
- v. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;
- vi. Two off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;
- vii. The ADU must be accessible from an existing driveway;
- viii. An ADU may not be sold separately from its principal dwelling unit; and
- ix. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name.

2. Backyard Hens

Backyard hens are allowed as an accessory to residential uses in the RA, R2, R4 and R8 zoning districts subject to the requirements of Section 3-6 of the Town Code of Ordinances.

...

Section Twelve. That Section 8.2.6., subsection A. be amended to read as follows:

8.2.6. Dedication or Fee-in-Lieu

The procedure for determining if a developer of dwelling units is to dedicate park land or pay a fee-in-lieu of dedication shall be as follows:

A. Developer of Dwelling Units

With the submittal of a site-specific vesting plan, the developer shall indicate whether the developer desires to dedicate park land or pay a fee-in-lieu. If proposing to dedicate park land, the developer shall indicate all areas proposed for dedication on the site-specific vesting plan.

...

Section Thirteen. That Section 8.3.3., subsection B. be amended; and that a new Section 8.3.12. be added to read as follows:

8.3.3. Layout and Coordination

...

B. Connectivity Index

1. A connectivity index shall be used to determine the street layout adequacy. The connectivity index shall be calculated as the ratio of street links to street nodes.
2. For purposes of this Section, the following definitions shall apply:
 - a. Links are defined as road sections between intersections, or road sections from an intersection to a street stub-out or cul-de-sac head.
 - b. Nodes are defined as intersections and cul-de-sac heads.



A perfect grid network has a connectivity index of 2.0.

...

8.3.12. Stub Completion Policy

The Town Council may adopt and amend from time to time a policy to establish objective circumstances under which a public street stub connection shall not be completed within the Town of Garner's jurisdiction and when alternative connections shall be made. The most current policy is hereby incorporated by reference.

Section Fourteen. That Section 8.4.14., subsection B. be amended to read as follows:

8.4.14. As-built Drawings Required

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- B. If any utility line in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the Town upon request. The Town will maintain as-built drawings furnished by the developer of all other utilities.

Section Fifteen. That Article 9. and Section 9.1. be amended to read as follows:

ARTICLE 9. SITE AND BUILDING DESIGN AND PARKING

9.1. SITE DESIGN STANDARDS

Section Sixteen. That Section 9.3.7., subsection H. be removed; and Section 9.3.7., subsections A. and G. be amended to read as follows:

9.3.7. Vehicle Accommodation Areas (VAA)

A. Design of VAAs shall meet the following standards:

1. Vehicles shall exit the VAA without backing into a public street. This provision shall not apply to driveways serving a single dwelling unit or areas accessed from a minor local street.
2. Vehicles shall not overhang property lines, obstruct public rights-of-way or sidewalks, conflict with vegetation, or damage any structure.
3. VAAs shall not pose a danger to pedestrians or other motorists.
4. Dead-end parking areas are prohibited unless a turnaround space is striped, signed and provided.

...

- G. Where head-in, angled, or parallel parking spaces abut a sidewalk or pedestrian way a minimum additional two feet of clearance from the parking shall be provided.

Section Seventeen. That Section 10.7.2., subsection E. be amended to read as follows:

10.7.2. Landscaping Islands

...

E. Median Islands

1. Median islands shall have a minimum of eight feet inside the curb.
2. Median islands shall be sited between every four single parking rows and continuously along primary internal and external access drives.

3. Median intervals may be expanded in order preserve existing trees of greater than six inches diameter at breast height

...

Section Eighteen. That Section 10.10.6., subsection A.2. be removed; and that Section 10.10.6., subsection A.3. be re-numbered as a new subsection A.2.

Section Nineteen. That a new Section 11.3.4., subsection D.3. be inserted to read as follows:

11.3.4. Tree Canopy Preservation Requirements

...

D. Tree Canopy Preservation Requirements

...

3. For development within the TBD district:
Where permitted, street trees within adjacent rights-of-way and within 15 feet of the property line may be counted towards the fulfilment of this requirement.

PRESERVED TREE COVER AREA	REPLACEMENT TREE COVER AREA	MINIMUM TOTAL TREE COVER AREA
5.5%	Plus 0% equals	5.5%
4%	Plus 2% equals	6%
2.5%	Plus 4% equals	6.5%
1%	Plus 6% equals	7%
0%	Plus 7.5% equals	7.5%

...

Section Twenty. That Section 12.3.1. be amended to read as follows:

12.3.1. General Standards

ZONING DISTRICT	SIGN TYPE	MAXIMUM TOTAL SIGN AREA PER LOT	MAX NUMBER	MAX HEIGHT
RESIDENTIAL DISTRICTS (RA, R2, R4, R8, MF-A, MF-B, RMH)	Freestanding: Permitted Home Occupations and Overnight Accommodation Uses	4 square feet	1	4 feet
	Freestanding: Non-Residential and Non-Overnight Accommodation Uses	32 square feet	1	5 feet
	Wall: Non-Residential Uses	24 square feet	1	5 feet
	Residential Subdivision Signs	See 12.3.4.D.		
NON-RESIDENTIAL AND MIXED-USE DISTRICTS	Freestanding	60 square feet	1 per street frontage, 2 maximum	12 feet

(NMX, CMX, TBD, AC, LI, HI)	Wall	10 percent of wall area	1 per street frontage, 3 maximum	n/a
	Projecting	10 square feet	1 per street frontage, 2 maximum	2

Section Twenty-One. That Section 13.2. be amended to have specified definitions read as follows:

Indoor athletic or entertainment facility. Amusement, sporting or other entertainment activities carried on wholly within a building. Typical uses include bowling alleys, billiard parlors, escape rooms, video game arcades, laser tag, indoor paint ball, axe throwing, skating rink, banquets, indoor sports and activities of a similar nature. Private gyms, wellness centers and similar uses are included under “Gym, spa, or pool”.

Vehicular Surface Area. The area intended for vehicular circulation or storage that is paved with permanent pavement. Square footage calculations shall include the total of all vehicular surface areas located in the street, side, and rear yards. This definition does not apply to single-family residential use or parking structures.

Yard, side. The portion of a lot bounded by side lot line(s) and the side line of a principal building or structure (or use in the absence of a principal building or structure), extending the full length of the building, structure, or use and not including any front or rear yard. Where the side lot line is a street right-of-way, that yard may also be more specifically referred to as a corner side yard.

Section Twenty-Two. That all ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Duly adopted this 6th day of February 2024.

Buddy Gupton, Mayor

ATTEST: _____
Stella Gibson, Town Clerk

APPROVED AS TO FORM: _____
Terri Jones, Town Attorney