

Proposed zoning text amendments

1. Add to - Chapter 32, Article IV, Sec. 32-196. Key to districts uses and Sec. 32-198. – Commercial. – Planned Unit Development – Commercial Mixed Uses.
2. Add to - Chapter 32, Article V, Division 1, Sec. 32-248.1. - Planned Unit Development – Commercial Mixed Uses (PUD-CM).

Chapter 32, Article IV. Uses By Zoning Districts

Sec. 32-196. – Key to district uses.

The following key shall be utilized in this article to indicate permitted, conditional zoning, special exception, and prohibited uses:

X – represents permitted uses

CZ – represents uses requiring a conditional zoning rezoning

S – special use approved by either the planning board (PB), board of adjustment (BOA), or governing board (GB)

P – prohibited uses in all zoning districts

Sec. 32-198. – Commercial. Add - Planned Unit Development (PUD) – Commercial mixed uses under –

[illegible]

Chapter 32, Article V. – Development Standards, Division 1. – Generally.

Add –

Sec. 32-248.1 Planned unit development (PUD-CM) – Commercial mixed uses.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Planned unit development – Commercial mixed uses (PUD-CM). That when a tract of land under unified control, the developer may be allowed to deviate from the strict application of use, setback, height, and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of commercial land. In exchange for the flexibility, the developer must have a “Unified Development Plan (UDP)” per subsection (o). The application request along with the UDP must be submitted to the planning department as a condition zoning (CZ) rezoning request. Once staff has reviewed the request it will follow the same procedures as any CZ request. This approach is a voluntary alternative and is not mandatory for the development of any parcel of land. Land developed in this manner shall be in keeping with NC State statutes and the city’s comprehensive plan.

- (b) *Location.* PUD-CM use is permitted as a mixture of the R-MF-A, O-I, B-2, PD-RC, and L-I zoning districts in a UDP.
- (c) *Minimum Size.* There is no minimum acreage size requirement for establishing a PUD-CM uses district. Exception – if the tract(s) lie within the city’s WS-IV Watershed, then the minimum acreage must be 10 acres.
- (d) *Permitted Uses.* Within a PUD-CM district, all uses are allowed as those listed in Chapter 32, Article IV. Uses not listed but similar in nature to a use listed in the tables of Article IV may be used.
- (e) *Dimensional requirements.* The dimensional requirements of section 32-248.1 are waived except for the following:
- (1) *Minimum Lot Size.* Provisions governing minimum lot size are established by the UDP.
 - (2) *Minimum Interior Setbacks.* The minimum interior setback is zero feet, however if a setback is provided, it must be at least 5 feet.

- (3) *Minimum Perimeter Setback.* For portions of the development abutting any residential district, the abutting setbacks shall be that of the proposed zoning district but in no case less than 10' subject to Sec. 32-259.
 - (4) *Minimum Street Setbacks.* Provisions governing minimum street setbacks are established by the UDP.
 - (5) *Maximum Height.* Within 50 feet of any R-district, the maximum height of a building may not exceed 50 feet or 3 stories except along the right-of-way of a railroad or a street right-of-way that is already constructed or is being constructed as part of the planned unit development. Provisions governing maximum height are established by the UDP for all other portions of the development.
 - (6) *Density.* Provisions governing the maximum commercial density of the development are established by the UDP. Exception – tract(s) located in the city's WS-IV Watershed.
- (f) *Landscape & Buffering.* Provisions governing landscaping are established by the UDP. Perimeter buffering shall meet the minimum requirements per sec. 32-259.
- (g) *Commercial areas.* Commercial and office areas adjacent to residential must be arranged to provide pedestrian access and circulation between and within such areas. Building design shall be of a similar architectural design theme.
- (h) *Common Open Space and Recreation Facilities.* Percentage of common open space and types of recreation facilities to be provided shall be established by the UDP.
- (i) *Conveyance and maintenance of common open space and recreation facilities.* A common open space or recreation facility shall be conveyed in accordance with one of the following methods:
- (1) By dedication to the city and maintained as common open space, a public recreation facility, or public rights-of-way/easements; or
 - (2) By leasing or conveying title (including beneficial ownership) to a corporation, association, or other legal entity.
- (j) *Circulation facilities.* The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with the standards set forth in other chapters of the ordinance, city construction manual, or per state requirements. A PUD-CM with more than

100 multifamily apartment units shall have two means of ingress/egress to a city or NCDOT collector street. The governing board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section. Proposed street cross sections shall be outlined on the UDP.

- (k) *Parking and Loading.* Off-street parking and loading must be provided in accordance with Chapter 32, Article VII and Chapter 32, Article VIII. For any permitted use in a PUD-CM the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required disabled parking or loading spaces for that use. On-street parking can count towards parking requirements.
- (l) *Signage.* A common sign plan shall be required as part of the UDP specifying the size, type, height, setback, location and number of signs. Specifications must be at least as restrictive as the regulations per Chapter 32, Article IX.
- (m) *Utilities.* All PUD-CM plans shall provide underground utilities. All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the city, public utilities companies, King Fire Department, or the state. Public water and sanitary sewer systems shall be required.
- (n) *PUD-CM review.* It is the intent of this section that review under applicable codes and ordinances be carried out as an integral part of the review of a planned unit development. The city governing board shall review the technical merits of the UDP and then if the request meets all the ordinance requirements for submission they shall schedule the public hearing dates for the proposal. A UDP permit shall be good for 24 months from the date of approval by the governing board as long as work is progressing on the project per NC G.S. 160D-801. Expired UDP's or major plan amendments can be renewed/reapproved by the governing board. Minor amendments will be reviewed by the city staff prior to construction documents being submitted for compliance with the approved UDP and any conditions assigned to the plan's approval.
- (o) *Unified Development Plan.* The UDP must contain the following materials:
 - (1) *Concept Plan.* Concept plan showing proposed public/private roads, easements, street cross sections, development tracts with list of proposed uses, maximum permitted density and/or building square footage for non-

residential uses, schematic water and sewer service layouts, general locations for stormwater control measures, watershed calculations (if in the city's WS-IV Watershed), solid waste disposal, general site lighting, and proposed phase lines, if any.

- (2) *Common Sign Plan*. Common Sign Plan per Chapter 32, Article IX.
- (3) *Documentation and PUD-CM regulations*. Documents which specify proposed setbacks or other regulations governing building placement, and/or volunteered conditions may be provided. The applicant may use district regulations provided by this ordinance or may propose regulations unique to the development. In no case may the UDP leave any area proposed for development unregulated. Proposed documentation and regulations can be included as notes on the Concept Plan or in written form.
- (4) *Phases*. All phases must be shown on the UDP and numbered in the expected order of development. The phasing must be consistent with the open space, traffic, circulation, drainage and utilities plans for the overall planned unit development.
- (5) *Traffic Memorandum*. A traffic memorandum prepared by a licensed traffic engineer showing the anticipated traffic generation of the project and recommended traffic improvements shall be provided. As applicable, a Traffic Impact Analysis for review by the city engineer and/or NCDOT shall be provided prior to the issuance of driveway permits.