



TOWN OF LIBERTY

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A G E N D A

Planning Board

May 8, 2024 5:30PM

1. Call to Order
2. Approval of Minutes April 10, 2024
3. Text Amendment Request - remove FAR (floor to area ratio) requirement, add language to allow conditional zoning for zoning districts, and specify regulations for accessory dwellings
4. Manager's Report
5. Citizen Comments
6. Adjourn



TOWN OF LIBERTY TEXT AMENDMENT REQUEST

ABSTRACT:	The Town of Liberty, upon review of adopted ordinances, has determined there are several amendments necessary to modernize the ordinance as well as keep up with current planning and zoning trends.
BACKGROUND:	The majority of the ordinances have not been updated since 2004. These updates are to remove the FAR (floor to area ratio) requirement, add language to allow conditional zoning for zoning districts, and specify regulations for accessory dwellings.
DISCUSSION:	<p>The Town recently updated the Land Development Plan (LDP) in February 2024. Coinciding with this will be several text amendments to have consistency between the LDP and Ordinances, and to modernize the ordinance to allow for sensible development.</p> <p>Red strikethrough text is language to be omitted Red underlined text is language proposed</p>
RECOMMENDATION:	<p>The Planning Board shall review and discuss the request. The following statements are provided:</p> <p>APPROVE the request as submitted. -OR- APPROVE the request with modifications. -OR- DENY the request. -OR- TABLE the request for further discussion to a future Planning Board meeting.</p>
LAND DEVELOPMENT PLAN CONSISTENCY:	It is in staff's opinion that the recommended revisions are consistent with the LDP. This determination is based off general statutes, the LDP, modernization of regulations, and current municipal planning trends.
ATTACHMENTS:	<p>Attachment A - Land Development Plan Consistency and Inconsistency Statements Attachment B - Proposed text amendments</p>



ATTACHMENT A

Town of Liberty Land Development Plan Consistency Statement

In accordance with 160D-605(a), the requested revisions are consistent with the objectives of the Town of Liberty Land Development Plan, due to maintaining compliance with NC General Statutes and fostering growth appropriately by amending development regulation to either minimum state standards or specific standards for the development of Liberty. Providing specifications for regulations to assist supporting affordable housing, an option for conditional zoning, removing the FAR (floor to area ratio) requirements. The following are supportive statements of the requested text amendments to support the Land Development Plan:

1. Conditional Zoning. Consideration of this tool will be reviewed as growth occurs (page 16). Due to correspondence with staff and permits submitted, it is an opportune time to introduce conditional zoning to the Town of Liberty.
2. Residential Development Policies (1). "The Town should encourage a variety of housing types consisting of...downtown 2nd floor residential..." (page 32).
3. Zoning Ordinance and Policy Updates. "Review and update the zoning ordinance Commercial Design Standards..." (page 37).

Planning Board Chair

Date



Town of Liberty Land Development Plan Inconsistency Statement

In accordance with 160D-605(a), the requested revisions are inconsistent with the objectives of the Town of Liberty Land Development Plan. They do not provide continuity with the Land Development Plan nor support development for the Town of Liberty.

Planning Board Chair

Date

SECTION: 154.060

§ 154.060 USE DISTRICTS NAMED.

For the purpose of this chapter the Town of Liberty and its extraterritorial planning jurisdiction is divided into the following use districts:

- (A) R40: Residential District;
- (B) R12: Residential District;
- (C) R6: Residential District;
- (D) RMF: Residential Multi-Family District;
- (E) B1: Central Business District;
- (F) B2: General Business District;
- (G) I: Industrial District;
- (H) IP: Industrial Park District;
- (I) CZ: Conditional Zoning District

REASON: Adds Conditional Zoning use into this section.

SECTION 154.064

(I) CZ Conditional Zoning Districts.

(1) In accordance with 160D-703(b), applicants are permitted to request a conditional zoning district of property.

(2) A site plan is not required with the submission of an application. However, it may be requested by staff, Planning Board, or Town Council, dependent on the intensity of the request.

REASON: adds the option for applicants to apply for a conditional zoning district.

SECTION 154.067

<i>Use</i>	<i>R40</i>	<i>R12</i>	<i>R6</i>	<i>RMF</i>	<i>B1</i>	<i>B2</i>	<i>I</i>	<i>IP</i>	<i>See Note(s)</i>
Accessory apartment, non-commercial; manufactured homes not permitted (Refer to Notes 1 and 33)	A	A	A	A					1 and 33
<u>Accessory Dwelling</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>			

REASON: clarifies accessory dwellings standards.

SECTION 154.068

~~(A)~~ ~~(A)~~ Note 1: For related family members only of the owner who shall reside at the residence. Accessory dwellings shall meet the following requirements:

a. Detached accessory dwelling:

- i. The maximum size shall not exceed 1,200 square feet or 75% of the habitable primary dwelling square footage, whichever is lesser (ex. 1500 square foot would allow a maximum accessory dwelling of 1,125 square feet).
- ii. A separate address shall be required;
- iii. Only one (1) accessory dwelling is permitted per lot;
- iv. Per Watershed regulations, maximum built upon area shall not exceed 24% of the lot size.

b. Accessory dwellings within the principal dwelling:

- i. The maximum size shall be no more than 65% of the total livable square footage of the primary dwelling (ex. 1500 square foot home would be permitted a maximum of a 975 square foot accessory apartment), with the original square footage of the primary dwelling not to be decreased by more than 25% (ex. Originally the 1500 square foot home, with an accessory dwelling to the maximum 65%, shall be no less than 1,125 square feet at completion of the accessory dwelling);
- ii. A separate entrance and address shall be required;

iii. Only one (1) accessory dwelling is permitted per lot;

iv. Per Watershed regulations, maximum built upon area shall not exceed 24% of the lot size.

c. Accessory dwelling/multifamily above commercial:

- i. Shall not exceed four times the gross floor area of the commercial space (ex. 750 square foot of commercial space allows for a max of 3,000 square feet of accessory dwelling/multifamily space);
- ii. If located within the downtown overlay and/or B1 zoning district, parking shall be provided off-street and meet the parking requirements of Section 154.147;
- iii. Shall meet all applicable and most current building code and fire code;

iv. Per Watershed regulations, maximum built upon area shall not exceed 24% of the lot size, unless an approved SUP for a 10/70 allocation is approved.

REASON: Allows more flexibility with accessory dwellings to provide and support affordable housing.

SECTION 154.068

~~(3) Only within the R40 zoning district shall single wide mobile/manufactured homes be allowed as accessory dwelling units. Refer to Note 1 for maximum dwelling size requirements.~~

REASON: Allows more flexibility to provide and support affordable housing.

The following sections remove the FAR (floor to area ratio) requirement. Although this is still calculated in some municipalities and it is required for specific certifications to know, it is not a common practice. Due to the watershed classification and the 24% max BUA, with the option to apply for a SUP to develop up to 70%, keeping the FAR requirement causes a conflict in the ordinance.

SECTION 154

~~154.212 Dwelling multi-family up to .35 FAR~~

~~154.235 Commercial developments with multi-use and/or structures and FAR between .27 and .35~~

~~154.236 Commercial developments with multi-use and/or structures and FAR up to .35~~

SECTION 154.067

Table of Area, Height, Bulk and Placement Regulations								
District	Minimum Lot Size in (Square Feet)	Lot Width (Frontage) in (Feet)	Required Yards * (Setbacks) <i>Front, Sides, Rear</i>			Maximum Height* in (Feet) Ratio	Maximum Floor Area Ratio	Maximum Floor Area by SUP
R40	40,000 per dwelling unit	100	30	15	25	35		
R12	12,000	75	30	10	20	35		
R6	6,000 for SFD; 10,000 for 2-family	60	25	10	20	35		
RMF	6,000 for SFD; 10,000	60	25	10	20	35	0.27	0.35
	for 2-family and multi-family							
B1	No minimum	No minimum	0	0	0	50		
B2	10,000	75	20	10	10	50	0.27	0.35
I	10,000	75	10	10	10	50		
IP	30,000	100	50	20	20	50		
*Except as modified by § 154.032 or by buffering and screening requirements.								

SECTION 154.067

Commercial developments with multi-use and/or structures and FAR between 0.27 and 0.35					S		S		9
Commercial developments with multi-use and/or structures and FAR up to 0.27					P	P	P		9

Dwelling; multiple-family units up to 0.27 FAR				P	P	P			15
Dwelling; multiple-family units exceeding more than 4 units on a single parcel up to .35 FAR				S	S	S			15

Industrial developments with multi use and or structures with FAR up to 0.27							P	P	45
Industrial developments with multi use and or structures with FAR up to 0.35							P	P	45

(I) Note 9: This type of development generally includes more than 1 principal structure and use with associated accessory structures and uses on 1 zoning lot which will not be subdivided into customary building lots. ~~The development as a whole (including all principal structures and accessory structures) may not exceed the permitted FAR for the district in which the development is located.~~ All yard, height, setback, parking, buffer and screening and the like, requirements of this chapter shall be met for the development as a whole.

(GG) Note 33:

(1) — ~~(1)~~ Accessory structures shall be permitted in all districts. For nonresidential use, the maximum amount of allowed built upon area shall not be exceeded unless the property owner, or agent on behalf of the property owner, applies and is approved for a SNIA. For residential use, the accessory structure(s) shall meet the following: subject to the floor-area-ratio (FAR) restrictions in those districts where FAR applies. In no instance shall the FAR of all permitted structures exceed the maximum permitted for that lot;

a. Not used for habitable purposes;

b. Located flush with the front of the primary structure or behind;

c. If the accessory structure(s) is (are) proposed to exceed the square footage of the primary structure, it shall be limited to no more than 1.25 times larger than the primary structure (e.g. 1,500 square foot home would have a maximum of 1,875 square feet of accessory structure(s)).

(OO) Note 45: This type of development generally includes more than 1 principle structure and use with associated accessory structures and uses on 1 zoning lot which will not be subdivided into customary building lots. ~~The development as a whole (including all principal structures and accessory structures) may not exceed the permitted FAR as specified in § 154.067.~~ All yard, height, setback, parking, buffer and screening and the like requirements of this chapter shall be met for the development as a whole.

SECTION 154.138

(4) For purposes of determining applicable minimum and maximum land use intensities ~~(in districts where FAR applies)~~, the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by parking and shall be subtracted from the area of the zoning lot containing the off-site parking;

SECTION 154.147

Commercial developments with multi-use and/or structures with FAR up to .30	5.0 per 1,000 square feet GFA
Commercial developments with multi-use and/or structures with FAR of .31 up to .45	5.0 per 1,000 square feet GFA

Dwelling multiple-family units up to .19 FAR	2.0 per dwelling unit
Dwelling multiple-family units up to .33 FAR	2.0 per dwelling unit
Dwelling multiple-family units up to .45 FAR	2.0 per dwelling unit

Industrial developments with multi use and/or structures with a FAR up to .27 or .35	5.0 per 1,000 square feet GFA except designated warehouse and/or manufacturing, processing and assembly square feet plus 1.0 per 1,000 square feet GFA of designated warehouse space and/or 0.6 per employee of largest shift plus 1 space per vehicle used directly in conduct of manufacturing, processing and assembly
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~~§ 154.212 DWELLING MULTI-FAMILY-UP TO .35 FAR.~~

Multi-family dwelling units may be permitted in RMF districts ~~with a FAR of up to .35 are~~ subject to the following requirements:

(A) Developments shall have a minimum of 1 acre of land;

(B) The yard regulations and height regulations set forth in § 154.066 may be modified for multifamily dwelling units, provided that for the development as a whole, the maximum permitted ~~FAR~~ built upon area shall not be exceeded;

SECTION 154.220

~~(L) Developments located within RMF, B1 and B2 districts may increase the permissible FAR to .35.~~

~~§ 154.235 COMMERCIAL DEVELOPMENTS WITH MULTI USE AND/OR STRUCTURES AND FAR BETWEEN .27 AND .35.~~

~~—All requirements of the Zoning Chapter shall be met.~~

~~§ 154.236 COMMERCIAL DEVELOPMENTS WITH MULTI USE AND/OR STRUCTURES AND FAR UP TO .35.~~

~~—All requirements of the Zoning Chapter shall be met.~~