



MEMO

Date: July 11, 2017 [Target Approval]
 To: Town Board
 From: Jason Burdette, Planning Director
 Re: Davidson Planning Ordinance Miscellaneous Proposed Text Amendments, Staff Analysis

1. TEXT AMENDMENTS

TEXT CHANGES – PROPOSED AMENDMENTS

The following is a list of proposed text changes to the Town of Davidson Planning Ordinance (DPO). The listed changes are being undertaken to provide necessary clarifications and correct inadvertent omissions/errors since the DPO was approved by the Board of Commissioners and came into effect on May 1, 2015. Proposals are organized by page number.

PROPOSED TEXT CHANGES				
PAGE	SECTION	TITLE	ISSUE	PROPOSED ACTION
SECTION 2 – PLANNING AREAS				
2-3	2.1.3	PERMITTED USES	Parks + Open Space need to be identified as allowable uses in all Planning Areas.	Modify 2.1.3 to include Parks + Open Space as an explicit category of Permitted Uses.
TEXT CHANGES			Old Text: N/A [Does Not Exist] New Text: 2.1.3.H Park & Open Space Uses [NEW]: Parks and open spaces are permitted in all Planning Areas. Park types and open space must conform to the requirements listed in Section 7.	
2-13	2.2.2	VILLAGE COMMERCE BUILDING TYPES TABLE 2-5	The BOC expressed the need for transitions in building height between commercial areas and residential areas to be examined, and emphasized that multi-story transitions should be lessened.	Reduce Village Commercial max. Building height to 4 stories.
TEXT CHANGES			Old Text: Storefront: 5 Stories Max. New Text: Storefront: 4 Stories Max.	
2-13	2.2.2.D.2	VILLAGE COMMERCE	The BOC expressed the need to consider whether	Modify the Village Commerce requirements to

		OPEN SPACE REQUIREMENTS	open space requirements were appropriate for all Planning Areas.	feature a proportional amount of required open space.
TEXT CHANGES			<p>Old Text: N/A [Does Not Exist]</p> <p>New Text: The following table establishes the required open space for the Village Commerce Planning Area: Required % of Development - Min. 5%, Max. N/A</p>	
2-17	2.2.3	VILLAGE EDGE BUILDING TYPES TABLE 2-8	The BOC expressed the need for transitions in building height between commercial areas and residential areas to be examined, and emphasized that multi-story transitions should be lessened.	Reduce Village Edge max. Building height to 3 stories.
TEXT CHANGES			<p>Old Text: Workplace, Storefront: 4 Stories Max.</p> <p>New Text: Workplace, Storefront: 3 Stories Max.</p>	
2-17	2.2.3.D.2	VILLAGE EDGE OPEN SPACE REQUIREMENTS	The BOC expressed the need to consider whether open space requirements were appropriate for all Planning Areas.	Modify the Village Edge requirements to feature a proportional amount of required open space.
TEXT CHANGES			<p>Old Text: N/A [Does Not Exist]</p> <p>New Text: The following table establishes the required open space for the Village Edge Planning Area: Required % of Development - Min. 5%, Max. N/A</p>	
2-21	2.2.4.D.2	VILLAGE INFILL OPEN SPACE REQUIREMENTS	The BOC expressed the need to consider whether open space requirements were appropriate for all Planning Areas.	Modify the Village Infill requirements to feature a proportional amount of required open space.
TEXT CHANGES			<p>Old Text: N/A [Does Not Exist]</p> <p>New Text: The following table establishes the required open space for the Village Infill Planning Area: Required % of Development - Min. 10%, Max. N/A</p>	
2-26	2.2.5.D.2	CENTRAL BUSINESS DISTRICT OPEN SPACE REQUIREMENTS	The BOC expressed the need to consider whether open space requirements were appropriate for all Planning Areas.	Modify the Central Business District requirements to feature a proportional amount of required open space.
TEXT CHANGES			<p>Old Text: N/A [Does Not Exist]</p> <p>New Text: The following table establishes the required open space for the Central Business District Planning Area: Required % of Development - Min. 5%, Max. N/A</p>	
2-45	2.2.9	NEIGHBORHOOD SERVICES BUILDING TYPES	The BOC expressed the need for transitions in building height between	Reduce Neighborhood Services max. Building height to 3 stories.

		TABLE 2-30	commercial areas and residential areas to be examined, and emphasized that multi-story transitions should be lessened.	
TEXT CHANGES			Old Text: Live/Work, Storefront: 4 Stories Max. New Text: Live/Work, Storefront: 3 Stories Max.	
2-45	2.2.9.D.2	NEIGHBORHOOD SERVICES OPEN SPACE	The BOC expressed the need to consider whether open space requirements were appropriate for all Planning Areas.	Modify the Neighborhood Services requirements to feature a proportional amount of required open space.
TEXT CHANGES			Old Text: N/A [Does Not Exist] New Text: The following table establishes the required open space for Neighborhood Services Planning Area: Required % of Development - Min. 5%, Max. N/A	
SECTION 4 – SITE & BUILDING DESIGN STANDARDS				
4-3	4.3.1.D	FENCES, HEDGES, & GARDEN WALLS	The DPO needs to be revised to clarify: 1. That fences should be 2/3 not 1/3 solid (this is a typographical error); 2. The allowed fence heights for properties in the Scenic Byway Overlay District.	Revise the typographical error and list the fence standards for properties in the Scenic Byway Overlay District. Additionally, reorganize the section to include titled/numbered sub-sections: All Planning Areas; Scenic Byway Overlay District; and, Retaining Walls.
TEXT CHANGES			Old Text: Fences, hedges, and/or garden walls located... for purposes of fencing, hedges, and garden walls...The maximum height of retaining walls... New Text: 1. All Planning Areas: Fences, hedges, and/or garden walls located...shall be no more than two-thirds solid...for purposes of fencing, hedges, and garden walls. 2. Scenic Byway Overlay District: For parcels subject to the split-rail fence standards within the Scenic Byway Overlay District, fences shall be constructed with a top of rail height not to exceed 48 - 52 inches. Supporting posts may extend an additional six to eight inches above the top of rail, but may not exceed 58 inches total. Agricultural or equestrian-related exceptions may be permitted by the Planning Director. 3. Retaining Walls: The maximum height...	
4-6	4.4.1.A.3	BUILDING HEIGHT	The DPO does not clearly define the extent of height measurements to top of building in regards to parapets, which should not	Add "parapet" to list 3a. Building Elements, describing features that are not included in building height measurements.

			be included in the measurements.	
TEXT CHANGES			Old Text: Unless specifically stated elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to: a. Building elements (such as church spires, belfries, cupolas, domes, etc.) which are not intended for human occupancy; New Text: Unless specifically stated elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to: a. Building elements (such as church spires, belfries, cupolas, domes, parapets, etc.) which are not intended for human occupancy;	
4-7	4.4.1.C.2.D	FAÇADE ARTICULATION	In order for the building height to be treated equally across projects, the DPO must clarify that parapets should be proportional to the height of the building.	Add language clarifying that parapets must be designed to be congruent with the overall building design.
TEXT CHANGES			Old Text: 2d. Stepped parapets. New Text: 2d. Stepped parapets. Parapets shall be proportional to the height of the building.	
SECTION 6 – SUBDIVISION & INFRASTRUCTURE STANDARDS				
6-18	6.8.1.A	SIDEWALKS REQUIRED LOCATION	The DPO must clarify when and where sidewalk construction is required as part of the development process.	Revise the introduction to 6.8.1.A to indicate when and where sidewalk construction is required as part of the building permit process.
TEXT CHANGES			Old Text: N/A [Does Not Exist] New Text: Except as provided for in this ordinance, all development requiring building permit approval shall provide sidewalk facilities along the property frontage in accordance with this ordinance. This does not apply to the following: - Existing residential or non-residential development construction affecting less than 50% of the building; - Permits for: Accessory structures; detached garages; demolition work; residential or non-residential interior work; pools; or, retaining walls.	
6-22	6.10	TRANSPORTATION IMPACT ANALYSIS	The BOC recommended the exploration of targeted changes to the Town’s TIA requirements to ensure accurate analysis and broader applicability.	Revise the TIA requirements to require analysis to occur during months when schools are in session, and to require all projects to meet and discuss transportation

				improvements related to each proposal.
			Old Text: N/A [Various] New Text: See Exhibit B at the end of this document.	
SECTION 7 – PARKS & OPEN SPACE				
7-6	7.4.2	TYPES OF PARKS & PUBLIC SPACES	New open space requirements proposed for 7/11/17 mean that certain types of open space are desired in certain planning areas (i.e. plazas or squares in more urban areas)).	Provide a chart indicating what types of open/park spaces must be used to meet the min. open space requirements for each planning area.
			Old Text: N/A [Does Not Exist] New Text: See Exhibit A at the end of this document.	
7-7	7.4.B.E	PLAZA REQUIREMENTS	The DPO is not clear on whether space dedicated to outdoor/café seating can contribute to open space/plaza requirements.	Include language clarifying that outdoor/café seating can contribute to but not satisfy the entirety of plaza requirements.
TEXT CHANGES			Old Text: Plazas shall provide an appropriate amount of seating, as determined by the Planning Director. New Text: Plazas shall provide an appropriate amount of seating, as determined by the Planning Director. A portion of outdoor café seating areas may contribute to meeting this requirement.	
SECTION 8 – PARKING				
8-8	8.5.B.4	PARKING STANDARDS LOTS MORE THAN 60 FEET IN WIDTH	Item 4. states that the criteria do not apply to RPA properties, which is not accurate.	Remove Item 4.
TEXT CHANGES			Old Text: The requirements above shall not apply to Detached Home building types in the rural and rural reserve planning area. New Text: N/A [Removed]	
8-12	8.7	DRIVEWAYS	An independent Driveway Permit is referenced but is not defined and does not exist in Section 14; rather, driveway permits are handled as Building Permits.	Revise the text to refer to the Building Permit process.
TEXT CHANGES			Old Text: ...or as an independent Driveway Permit according to the procedures outlined in Section 14. New Text: ...or as an independent Building Permit according to the procedures outlined in Section 14.	
SECTION 14 – ADMINISTRATION & PROCEDURES				

14-23	14.13	BUILDING PERMITS	The DPO must clarify that sidewalk construction is required as part of the building permit process.	Revise the introduction to 14.13 indicate when and where sidewalk construction is required as part of the building permit process.
TEXT CHANGES			<p>Old Text: The Town of Davidson needs to approve building permit applications whenever a building, sign or other structure (except as otherwise provided in this ordinance) shall be erected, moved, extended, or enlarged or structurally altered, as per Section 14.</p> <p>New Text: ...as per Section 14. Except as provided for in this ordinance, all development requiring building permit approval shall provide any required facilities along the property frontage in accordance with this ordinance. See Section 6 for further information.</p>	
14-33	14.15.9	FINAL PLAT	Plats are being submitted without any/clear statement of purpose.	Modify Final Plat documentation criteria to require a Purpose Statement on each Final Plat explaining the purpose of the plat and/or RTAP.
TEXT CHANGES			<p>Old Text: N/A [Does Not Exist]</p> <p>New Text: 1. PURPOSE: In the Notes section, list the purpose of the plat as the first note. For example, the purpose should state:</p>	
14-34	14.15.9.F	FINAL PLAT	Lots hosting affordable housing units must be shown on the Final Plat, which is stated in 5.2.B.3 but is not mentioned in the documentation requirements for Final Plats.	List affordable unit lot identification as a requirement of Final Plat documents.
TEXT CHANGES			<p>Old Text: F. Site Details: The lines and names of all streets, alley lines, lot lines, lot and block numbers, lot addresses, building setback lines, easements, reservations, on-site demolition landfills, and areas dedicated to public purpose with notes stating their purposes.</p> <p>New Text: F. Site Details: ...lot addresses, lots designated for affordable units, building setback lines...</p>	

3. PUBLIC PLANS AND POLICIES

The proposed text changes are consistent with the existing policy and ordinance frameworks adopted by the town. Most changes involve the improvement or clarification of text, or the inclusion of items inadvertently missed in the drafting of the original ordinance. All proposed changes meet the requirements set forth in Davidson Planning Ordinance 1.5.1 Implementation of Adopted Plans &

Policies: “Any amendments to, or actions pursuant to, this ordinance should be consistent with these adopted plans and policies, as amended.”

4. STAFF RECOMMENDATION

The proposed changes aim to: 1. Provide additional clarification pertaining to words or phrases utilized in the ordinance text; 2. Align the ordinance text with statewide legislation passed since the DPO was approved by the Board of Commissioners and came into effect on May 1, 2015; and, 3. Include in the ordinance items inadvertently missed in the drafting of the original ordinance or subsequent amendments. Specific explanations are provided in the table above. These changes are recommended for approval in order to accurately reflect the adopted Planning Area standards for each parcel.

5. EXHIBITS

- **Exhibit A:** Table 7-1: Park Types Permitted to Count Towards Minimum Open Space Requirement
- **Exhibit B:** Draft Transportation Impact Analysis Changes

EXHIBIT A: TABLE 7-1: PARK TYPES PERMITTED TO COUNT TOWARDS MINIMUM OPEN SPACE REQUIREMENT

▪ **Table: Park Types Permitted to Count Towards Minimum Open Space Requirement**

Planning Area	Open Space Required (Min.)	Neighborhood Park	Plaza	Square/Green	Close	Playground	Community Garden	Pedestrian Passageway	Greenway
Village Center	0%	-	-	-	-	-	-	-	-
Village Commerce	5%	-	X	X	-	-	-	X	-
Village Edge	5%	-	X	X	-	-	-	X	-
Village Infill	10%	-	X	X	-	X	X	X	-
Central Business District	5%	-	X	X	-	-	-	X	-
Lakeshore	5%	-	X	X	-	X	-	X	-
Neighborhood Center I	10%	-	X	X	-	-	-	X	-
Neighborhood Center II	10%	-	X	X	-	-	-	X	-
Neighborhood Services	5%	-	X	X	-	-	-	-	-
Neighborhood General	20%	-	X	X	-	X	X	-	-
Neighborhood Edge	45%	X	-	X	-	X	X	-	-
Rural	50%	X	-	-	-	X	X	-	-
Rural Reserve	40%	X	-	-	-	-	X	-	-
College Campus	0%	-	-	-	-	-	-	-	-
Employment Campus I	35%	X	X	X	-	-	-	-	-
Employment Campus II	35%	X	X	X	-	-	-	-	-
Conditional	-	-	-	-	-	-	-	-	-
Special-Use	-	-	-	-	-	-	-	-	-

EXHIBIT B: DRAFT TRANSPORTATION IMPACT ANALYSIS CHANGES

6.10.1 APPLICABILITY

A Transportation Impact Analysis (TIA) will be required if:

- The proposed development would increase the town's population by one percent or greater (based upon current US Census data and average household size);
- The proposed development expects to create one hundred (100) or more peak hour vehicle trips and/or one thousand (1,000) or more daily vehicle trips;
- The proposed development includes driveways connecting to existing roadways with a level of service of E or F;
- A change of use to an existing building would result in a projected daily trip count increase of at least five hundred (500) daily vehicle trips, or if the change of use is for conditioned space in excess of 10,000 sf or more.

All other developments may be required by the Planning Director to provide a TIA. For master plans, all TIAs shall be completed prior to the public input session.

6.10.1.A. TIA SCOPING MEETING

All projects of four or more lots and/or five dwelling units and/or all nonresidential projects of any size are required to attend a TIA Scoping meeting with the Planning Director. The applicant shall assemble the following information (pre-scoping package) and submit it to the Town a minimum of ten (10) business days prior to the scheduled TIA scoping meeting. If necessary, NCDOT will be included in the scoping meeting.

All pre-scoping submittal packages shall include the following items (as applicable):

1. Site Plan (to scale) shall include:
 - a. Parking count and any carpool or rideshare parking spaces
 - b. Location and number of bicycle parking spaces
 - c. Location of any transit stops (within 500ft of project site)
 - d. Sidewalks, greenways, and/or multi-use paths
 - e. Adjoining parcels (listing their parcel ID and planning areas)
 - f. Location of any existing stub outs and/or ROW preserved for connections (Including roads, greenways, multi-use paths, and sidewalks) on site and on all adjoining parcels
 - g. Proposed driveway locations and dimensions
2. Vicinity map (See Section 14)
3. Construction timeline
4. List/Map of study area intersections in accordance with Section 6 of the Davidson Planning Ordinance
5. Location of existing and proposed bicycle and pedestrian facilities
6. Location of existing and proposed transit facilities and routes
7. Location and count of parking (vehicular and bicycle) within ¼ mile of project site.
8. Transportation Demand Management (TDM) policies to be included as part of project.
Reference: <https://ops.fhwa.dot.gov/tdm/>
9. Draft trip generation table for the proposed land uses and intensities.
 - a. The Planning Director may require the inclusion of internal capture, transit capture (if any), and pass-by calculations. The applicant will be notified no later than 48 hours before the scheduled scoping meeting if this information is required.
 - b. The Planning Director may require a draft trip distribution and assignment (separate trip distributions are needed for each land use proposed) The applicant will be notified no later than 48 hours before scheduled scoping meeting if this information is required.
^The Town has a list of approved vendors that are able to provide trip generation calculations by request. All work must be paid for by the applicant.
10. Development phasing plan

*The Town shall provide the applicant a list of approved developments within the study area, and any approved/funded (but not yet constructed) transportation facility projects to be included in the TIA.

6.10.1.B. TIA DETERMINATION

Upon completion of a scoping meeting, Town staff will provide the applicant a TIA scoping determination in writing. Additional information may be required.

If the scoping determines that a TIA is required, preparation of the draft TIA will begin. A transportation consultant shall be selected from the Town's pre-approved list of on-call consultants. The town, TIA consultant, and applicant will confirm the TIA scope through a Memorandum of Understanding.

6.10.1.C. ALTERNATIVES TO TIA

If it is determined that a TIA is not required, the applicant has two options:

1. A Transportation Impact Analysis as described in this section; or
2. A contribution to the implementation of the Connectivity and Traffic Calming Plan. The contribution will directly correlate with the number of proposed units/lots/square footage/daily trips.

DWELLING UNITS	FEE
< 20 du	\$500
21 - 40 du	\$400
41 - 50 du	\$300

Commercial structures that are less than 10,000 sq ft of space and/or create less than one thousand (1,000) trips per day will contribute \$10,000 to the implementation of the Connectivity and Traffic Calming Plan.

If a change of land use occurs on an existing structure resulting in a change of daily trip of less than five hundred (500) daily trips then the applicant will contribute \$5,000 to the implementation of the Connectivity and Traffic Calming Plan.

6.10.2 TRANSPORTATION IMPACT ANALYSIS REQUIREMENTS

4. Traffic Counts Timeframe: Traffic counts must be conducted when Davidson College and local schools are in session. Traffic counts conducted during holidays, school breaks, or during inclement weather will not be considered as valid counts and will be rejected by Town Staff.