



## MEMO

Date: July 11, 2017  
 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 Commerce 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>	
2-32	2.2.6.E	LAKESHORE	The Central Business District and Village Infill Planning Areas currently require	Revise the DPO to include shoreline preservation and public access standards as

		SHORELINE BUFFER REQUIREMENTS	shoreline preservation and public access as part of development, but these standards were inadvertently omitted from the Lakeshore Planning Area text.	part of the Lakeshore Planning Area requirements.
TEXT CHANGES			Old Text: N/A [Does Not Exist]  New Text: The following are additional development standard(s) in the Lakeshore Planning Area: New development along the lake shall retain 100 percent of the lake shoreline for public use. The existing vegetation within this area shall be preserved. This area may be dedicated to the Town for general public use. Refer to Section 17 - Watershed Overlay District for restrictions on pervious surface in the shoreline buffer area.	
2-35	2.2.7	NEIGHBORHOOD CENTER 1 BUILDING TYPES TABLE 2-22	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 Neighborhood Center 1 max. Building height to 3 stories or 46 Feet Maximum.
TEXT CHANGES			Old Text: Live/Work, Storefront, Institutional, Workplace: 4 Stories Max.  New Text: Townhouse, Multifamily, Live/Work, Storefront, Institutional, Workplace: 3 Stories or 46 Feet Max.	
2-45	2.2.9	NEIGHBORHOOD SERVICES BUILDING TYPES TABLE 2-30	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 Neighborhood Services max. Building height to 3 stories or 42 Feet Maximum.
TEXT CHANGES			Old Text: Live/Work, Storefront: 4 Stories Max.  New Text: Live/Work, Storefront: 3 Stories or 42 Feet 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	<p>The DPO needs to be revised to clarify:</p> <ol style="list-style-type: none"> <li>1. That fences should be 2/3 not 1/3 solid (this is a typographical error);</li> <li>2. The allowed fence heights for properties in the Scenic Byway Overlay District.</li> </ol>	<p>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.</p>
TEXT CHANGES			<p>Old Text: Fences, hedges, and/or garden walls located... for purposes of fencing, hedges, and garden walls...The maximum height of retaining walls...</p> <p>New Text:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Retaining Walls: The maximum height...</li> </ol>	
4-6	4.4.1.A.3	BUILDING HEIGHT	<p>The DPO does not clearly define the extent of height measurements to top of building in regards to parapets, which should not be included in the measurements.</p>	<p>Add "parapet" to list 3a. Building Elements, describing features that are not included in building height measurements.</p>
TEXT CHANGES			<p>Old Text: Unless specifically stated elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to:</p> <ol style="list-style-type: none"> <li>a. Building elements (such as church spires, belfries, cupolas, domes, etc.) which are not intended for human occupancy;</li> </ol> <p>New Text: Unless specifically stated elsewhere in this ordinance, the height requirements established in this ordinance shall not apply to:</p> <ol style="list-style-type: none"> <li>a. Building elements (such as church spires, belfries, cupolas, domes, parapets, etc.) which are not intended for human occupancy;</li> </ol>	
4-7	4.4.1.C.2.D	FAÇADE ARTICULATION	<p>In order for the building height to be treated equally across projects, the DPO must clarify that parapets</p>	<p>Add language clarifying that parapets must be designed to be congruent with the overall building design.</p>

			should be proportional to the height of the building.	
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: <ul style="list-style-type: none"><li>- Existing residential or non-residential development construction affecting less than 50% of the building;</li><li>- Permits for: Accessory structures; detached garages; demolition work; residential or non-residential interior work; pools; or, retaining walls.</li></ul>	
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				
7-2	7.2	PARKS & OPEN SPACE DEDICATION & CONSERVATION REQUIREMENTS	The DPO does not currently stipulate to what types of development proposals open space requirements apply.	Revise the text to indicate which specific development types must meet the open space requirements.
			Old Text: Any person developing and/or subdividing property for residential purposes shall be subject to the park dedication and open space conservation requirements as follows:  New Text: All development except Single-Family Detached Houses and Duplexes shall be subject to the following park dedication and open space conservation requirements. Note: All lots approved as part of Individual Building, Master Plan, or Conditional Master Plan processes are	

			governed by the open space requirements specified therein. For exempt subdivisions, all applicable ordinance requirements apply.	
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	Revise the introduction to 14.13 indicate when and where sidewalk construction

			required as part of the building permit process.	is required as part of the building permit process.
TEXT CHANGES			<p><b>Old Text:</b> 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><b>New Text:</b> ...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><b>Old Text:</b> N/A [Does Not Exist]</p> <p><b>New Text:</b> 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><b>Old Text:</b> 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><b>New Text:</b> 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. PLANNING BOARD RECOMMENDATION

At their June 26, 2017 meeting the Planning Board reviewed and discussed the proposed text amendments for the second time. After a presentation by staff, members asked how funds collected through the Transportation Impact Analysis payment-in-lieu process would be spent (i.e. as described in Resolution 2017-16 being considered by the Board of Commissioners on July 11, 2017). Members also discussed the proposed open space values for the Village Commerce, Village Edge, Central Business District, Neighborhood Services, and Village Infill Planning Areas. Ultimately, the Planning Board voted to approve the text the amendments as written with a recommendation that the open space values in the Village Commerce, Village Edge, Central Business District, and Neighborhood Services Planning Areas be increased to 10% minimum.

#### 5. STAFF RECOMMENDATION

The proposed changes aim to: 1. Provide additional clarification pertaining to words or phrases utilized in the ordinance text; and, 2. 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.

#### 6. EXHIBITS

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



7.4.2: PARK & PUBLIC SPACE TYPES PERMITTED TO COUNT TOWARDS MINIMUM OPEN SPACE REQUIREMENT

See below for a list of required Park/Public Space Types in select Planning Areas. Parks/Public Spaces are a subset of the total open space requirements and not additional requirements. For example, in the Neighborhood Center I Planning Area 10 percent of a project's total site area must be open space, and five percent of that total open space must be one of the identified park/public space types (i.e. Plaza, Square/Green, or Pedestrian Passageway).

TABLE 7-1 PARK & PUBLIC SPACE TYPE REQUIREMENTS										
PLANNING AREA	TOTAL OPEN SPACE REQUIRED (MIN.)	PARKS/PUBLIC SPACE REQUIRED	NEIGHBORHOOD PARK	PLAZA	SQUARE/GREEN	CLOSE	PLAYGROUND	COMMUNITY GARDEN	PEDESTRIAN PASSAGEWAY	GREENWAY
Village Commerce	5%	5%	*	X	X	-	-	-	X	*
Village Edge	5%	5%	*	X	X	-	-	-	X	*
Village Infill	10%	5%	*	X	X	-	X	X	X	*
Central Business District	5%	5%	*	X	X	-	-	-	X	*
Neighborhood Services	5%	5%	*	X	X	-	-	-	X	*
Lakeshore	5%	5%	*	X	X	-	X	-	X	*
Neighborhood Center I	10%	5%	*	X	X	-	-	-	X	*
Neighborhood Center II	10%	5%	*	X	X	-	-	-	X	*
Neighborhood General	20%	5%	*	X	X	-	X	X	-	*
Neighborhood Edge	45%	5%	*	-	X	-	X	X	-	*

\*As required per ordinance.

## EXHIBIT B: DRAFT TRANSPORTATION IMPACT ANALYSIS CHANGES

### TRANSPORTATION IMPACT ANALYSIS (TIA) - Proposed Draft Changes, June 2017

#### 6.10.1 APPLICABILITY

**Development Threshold:** A Transportation Impact Analysis (TIA) is required for all development applications that meet or exceed any of the following thresholds:

SINGLE FAMILY RESIDENTIAL LOTS*	MULTI-FAMILY RESIDENTIAL UNITS**	SCHOOLS	COMMERCIAL
50	50	All new and expansions of existing facilities	10,000 SF
* Applies to detached house building types (See Section 2)			
** Applies to all residential units in buildings other than detached house building types (See Section 2)			

A Transportation Impact Analysis (TIA) will also 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 five hundred (500) or more daily vehicle trips;
- The proposed development includes driveways connecting to existing roadways with a level of service of E or F.

All other developments may be required by the Planning Director to provide a TIA.

A draft TIA must be completed and submitted to the town thirty (30) days prior to any public input session and/or required public meeting.

#### A. TRANSPORTATION REVIEW MEETING

All projects of twenty (20) or more lots and/or twenty (20) dwelling units and/or all nonresidential projects of any size are required to attend a transportation review 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 transportation review meeting. If necessary, NCDOT will be included in the transportation review meeting.

All pre-review 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.  
Ref: (<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.

## **B. TIA DETERMINATION**

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

If the review 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.

## **C. ALTERNATIVES TO TIA**

If the proposed development schematic design produces between one and 50 lots and/or between one and 50 dwelling units, and/or a new commercial structure of less than 10,000 square feet, the developer shall choose one of the following:

- 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. All developments will pay the same price for dwelling units in each range.
  - a. *For example, if a development is 21 units, then you would pay \$500 for 20 units and \$400 for the next 1 unit making the total contribution \$10,400 for a 21-unit development.*

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

New commercial developments less than 10,000 square feet and/or expansions of existing structures shall pay \$1 per additional/new conditioned square footage towards 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 CMS 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.

**6.10.2.C.b.** The trip generation counts shall be taken between 6 to 9 AM and 4 to 7 PM to verify a local, more accurate trip rate. If a school is within one quarter mile (.25) of the project site, then the PM counts shall be taken from 2 to 7pm; and [continue existing DPO text].