



**MEMO**

Date: December 12, 2017  
 To: Board of Commissioners  
 From: Jason Burdette, Planning Director  
 Re: Davidson Planning Ordinance 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 address the inclusion of Government Services as a use in the Village Center and Village Commerce Planning Areas; and, the applicability of the Retail Overlay District requirements to Civic/Educational/Institutional buildings. Additional changes that occur outside of Sections 2 and 4 are necessary to ensure that cross-references related to the proposed changes are consistent across the DPO.

PROPOSED TEXT CHANGES				
PAGE	SECTION	TITLE	ISSUE	PROPOSED ACTION
<b>SECTION 2 – PLANNING AREAS</b>				
2-8	2.2.1	VILLAGE CENTER PLANNING AREA PERMITTED USES TABLE 2-1	The Town Hall site lies within the Village Center Planning Area, which does not list Government Services as a permitted use.	Correct this oversight to list Government Services as a permitted use in Table 2-1. (P) means permitted without additional requirements.
TEXT CHANGES			Old Text: N/A [Does Not Exist] New Text: Permitted Uses – Civic/Educational/Institutional Uses, Government Services (P)	
2-12	2.2.2	VILLAGE COMMERCE PLANNING AREA PERMITTED USES TABLE 2-4	The Town Hall site lies within the Village Commerce Planning Area, which does not list Government Services as a permitted use.	Correct this oversight to list Government Services as a permitted use in Table 2-4. (P) means permitted without additional requirements.
TEXT CHANGES			Old Text: N/A [Does Not Exist] New Text: Permitted Uses – Civic/Educational/Institutional Uses, Government Services (P)	

2-86	2.3.6.B	RETAIL OVERLAY DISTRICT STANDARDS	The ordinance requires the front 35 feet of all buildings in the Retail Frontage Overlay District to be a retail use, which is not a consistent use for Civic, Educational, or Institutional buildings; but, these buildings should still feature active spaces on their ground floors.	Modify the standards to permit active and community-oriented spaces on the ground floor of these uses to meet the Retail Overlay District requirements. Reorganize the criteria to create a numbered list.
TEXT CHANGES			<p>Old Text: N/A [Does Not Exist]</p> <p>New Text: B. Standards:</p> <ol style="list-style-type: none"> <li>1. Retail Space: The front 35 feet...must be a retail use.</li> <li>2. Community Spaces: In buildings whose primary use is Civic/Educational/Institutional, 20 percent of the first floor square footage must be reserved for publicly-accessible gathering (including galleries/lobbies) and/or community meeting or programming space. The gathering and/or community space must be located along a street-facing façade, pedestrian way, or public plaza.</li> </ol>	

**2. PUBLIC PLANS AND POLICIES**

The proposed text changes are consistent with the existing policy and ordinance frameworks adopted by the town. Most changes relate to the inclusion of Mixed Village building types in the ordinance, with a few other changes concerning the inclusion of Government Services as a use in the Village Center + Commerce Planning Areas and the applicability of the Retail Overlay District requirements to Civic/Educational/Institutional buildings. 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.”

**3. PLANNING BOARD RECOMMENDATION**

On October 30, 2017 the Planning Board informally reviewed the changes before formally reviewing the proposed changes and offering a recommendation at the board’s November 27, 2017 meeting. The Planning Board focused their discussion on the implications of modifying the Retail Overlay District (ROD) requirements; specifically, members pondered whether allowing a modified requirement for non-profit Civic/Educational/Institutional uses would encourage the location of these uses in the ROD in a manner directly contradicting the purpose of the ROD. The issue of whether for-profit educational entities could be exempt from the ROD under the proposed text amendment was also discussed. As the discussion evolved, members expressed less concern about the proposed text amendment and instead recommended that staff examine whether the use of the term “Educational” was consistent throughout the ordinance, believing that a clearer description was needed and that this would avoid issues with non-profit compliance in the ROD. Members also discussed the text amendment regarding Government

Uses, noting that it was in response to an unintended omission. By a vote of 7-0, the Planning Board recommended the adoption of the proposed ROD and Government Services amendments.

#### **4. STAFF RECOMMENDATION**

The proposed changes aim to: 1. Render Government Services an allowed use based on town hall's current location within the Village Commerce and Village Center Planning Areas; and, 2. Enable non-commercial buildings within the Retail Overlay District to contribute to a lively streetscape in a manner consistent with their Civic/Educational/Institutional functions. Specific explanations are provided in the table above. These changes are recommended for approval in order to accurately reflect the proposed Planning Area standards for each parcel.