PLANNING AND ZONING BOARD
SEPTEMBER 2, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

I. Call to Order

II. Approval of Minutes

A. July 01, 2021 Regular Meeting Minutes

III. General Business

A. Introduce and Discuss Form Based Codes

B. Update on Future Board Business

IV. Next Meeting Date

A. October 07, 2021 Regular Meeting

V. Comments from Attendees

VI. Motion to Adjourn

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.

JULY 01, 2021 REGULAR MEETING MINUTES
ADDITIONAL AGENDA DETAILS:

FROM:
Shannon Konstantinou

CC:
Alex Cameron; Alexandria Rye

DATE OF MEMO:
8/25/2021

MEMO DETAILS:
Attached are the 07/01/2021 Regular Meeting Minutes for your review.

ATTACHMENTS:

	Description
🗋	July 01, 2021 Regular Meeting Minutes

PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, JULY 01, 2021
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM

Board Members Present:	**Board Members Absent:**	**Staff Present:**
Jeramy Hooper, 1st Vice	Cyndie Burnett, Chair	Darryn Burich, Planning Director
Julia Latham, 2nd Vice	Jack Farrell	Alex Cameron, Lead Planner
Matt Jones		Kathy Liles, Planner
Sonja Rothstein		Shannon Konstantinou, Clerk to the Board
Paul Roberts		
Phillip Shumaker		
David Alzamora		

Approximately 15 members of the public in attendance.

I. Call to Order

Mr. Hooper confirmed a quorum was present and called the meeting to order at 04:00 pm.

II. Approval of Minutes

A. June 3, 2021 Regular Meeting Minutes

Ms. Rothstein moved to approve the minutes of the June 03, 2021 regular meeting. Seconded by Mr. Roberts. Approved by a vote of 6-0.

Ms. Latham moved to recess the Regular Meeting and enter into Public Hearing No. 1. Seconded by Ms. Rothstein. Approved by a vote of 6-0.

III. General Business

A. Public Hearing No. 1 Conditional Zoning - USGA Facilities

Mr. Cameron stated the purpose of the hearing is to consider an Official Zoning Map Amendment for approximately 6.29 acres of Moore County PID# 00025800. This proposed map amendment would zone the property from RD – Recreation Development District to VMU-CD – Village Mixed Use Conditional District. The proposed rezoning and associated General Concept Plan would allow for development of a second headquarter for the United States Golf Association (USGA) which includes two structures totaling approximately 40,500 square feet along with associated site features. The structures will house a welcome center, museum, offices and a testing center.

DRAFT

Mr. Cameron outlined the procedure for a Conditional Rezoning request, the details of the Conditional Rezoning requested by the applicant, and, entered into consideration the Staff Report. Mr. Cameron then concluded the Staff presentation.

Mr. Hooper opened discussion for the board to ask questions of the Staff.

Mr. Roberts questioned who owned the land where the proposed parking spaces would be. Mr. Cameron stated the Resort owns this land.

Mr. Hooper welcomed the applicant. Mr. John May (an attorney with the local firm of Robbins, May, and, Rich representing the USGA) introduced himself and the panel members present: Dr. Ron Jairus (Senior Managing Director for Public Services), Ms. Janine Driscoll (Director of Brand Communication), Mr. Rich Tataldi (Head of Campus Operations), Mr. Bob Koontz (Koontz Design), Ms. Brandi Thompson (Clearscape Architects), Mr. Tim Carpenter (LKC Engineering), Mr. Kevin Dean (Traffic Analysis), Ms. Kimberly Horn (Traffic Analysis), and, Ms. Janine Powers (Gilban Contractors).

Mr. May stated, having previously secured approval by the HPC, the USGA will present a detailed review of what is planned and will be prepared to answer any questions. Mr. May respectfully requests the Board strongly considers recommending the Village Council approve the rezoning request.

Mr. Jairus stated it is an honor and a privilege to be here on behalf of the USGA. No better place than Pinehurst for the USGA operations. Golf House Pinehurst helps to the share mission and vision of the USGA with the community and visitors. This project is about creating a permanent home for USGA science and technical experts. It is, also, a place for connecting golfers with museum collections and assets. The important work of the USGA needs to be more visible. The chosen location ultimately settled on is important as it is walkable from the Village or Resort and accessible along shuttle lines. The USGA has a commitment to sustainability and the environment as the USGA work is dependent upon a healthy environment. Mr. Jairus discussed aspects of sustainability woven throughout the design plans. The site demonstrates and educates about the work the USGA does to be good environmental stewards and promote a healthy relationship with the environment. The plans will add to the beauty of and adhere to Olmsted's original plans for the Village of Pinehurst. Mr. Jairus discussed the positive economic impact the USGA creating the first anchor site in Pinehurst will have on the community. Mr. Jairus thanked the Board and the Staff for their consideration and support.

Ms. Thompson stated the site plans incorporated Olmsted's vision for the Village and the overall development patterns of Olmsted. Ms. Thompson discussed the importance of the pine grove at the site location and the steps that will be taken to preserve and improve the health of the pine grove. Ms. Thompson presented photos and site plans while discussing the location of the buildings within the proposed

site and the environmental impact the buildings would have on the site. Ms. Thompson further discussed the architectural elements of the buildings and how these elements take into consideration the historic characteristics of the Village and Resort. Ms. Thompson presented photos and design plans outlining the architectural elements of the building plans. Ms. Thompson concluded her presentation and turned the discussion over to Mr. Koontz.

Mr. Koontz discussed the conditional district zoning. Mr. Koontz displayed site photos and site plans demonstrating the way the parcel would be used in relation to existing infrastructure and outlining the impact of the new construction proposed. Mr. Koontz outlined in greater detail the proposed locations and uses of entrances and parking areas. In addition, Mr. Koontz discussed alternative surfaces to be used for the parking areas in place of the standard asphalt required by building code. Mr. Koontz discussed the surfaces and locations of pathways proposed in the site plan. Mr. Koontz outlined the location and types of signage that would be used. Mr. Koontz concluded his presentation and turned the discussion over to Mr. Carpenter.

Mr. Carpenter discussed the utilities plan for the building site. Mr. Carpenter presented a diagram outlining proposed sewer, water and storm drain pipes, and discussed the locations and uses of each. Mr. Carpenter stated Moore County Utilities did not have a concern regarding capacity to service the new facilities. Mr. Carpenter stated the storm drain system proposed would be able to handle a 25 year storm, exceeding the 10 year storm requirement. Mr. Carpenter concluded his presentation and turned the discussion over to Mr. Koontz.

Mr. Koontz presented an outline of the site information, displayed a table outlining requested rezoning conditions, and displayed site plans outlining locations of proposed structures.

The USGA panel members concluded their presentations. Mr. Hooper thanked the panel members and turned the discussion over to the Board for panel questioning.

Mr. Roberts asked the panel how many employees would be working out of this location. Mr. Jairus stated there would be 50 full time employees with 6 additional work stations for out of town / visiting employees. Mr. Roberts asked the panel if the proposed 10 year storm water management plan would be adjusted to a 25 year. Mr. Koontz stated this would be adjusted from 10 to 25 years. Mr. Roberts asked the panel asked if there was any conceptual idea for the alternative surface for the parking areas. Mr. Koontz said there was not a conceptual idea at this time but asked for the flexibility to explore alternatives that would still meet the demands of the code requirements. Mr. Roberts asked the panel to clarify the use of different materials from the front to rear of the building. Ms. Thompson stated the intent is not to have the rear be drastically different from the front to the rear. Mr. Roberts asked the panel to clarify the discrepancy in square footage used to determine parking spot requirements. Ms. Thompson stated there is just over 40,000 square

feet of air conditioned space, which would bring the total parking spot requirements to 127.

Mr. Schumaker was going to address the square footage discrepancies but this was already addressed by Mr. Roberts.

Ms. Rothstein asked the panel why there seemed to be so much objection to installing a walking path at this time. Mr. Koontz stated there is no objection. The panel would like to reserve the decision until the multimodal path has been determined by the Village. Ms. Thompson and Mr. Koontz discussed the safety concerns that need to be addressed with installing a walkway in this area in addition to the need to consider a way to install the path with minimal impact on the natural features of the site and to prevent or limit the removal of trees. Ms. Rothstein asked the panel if the area of washout on the site would be addressed. Mr. Koontz stated that the washout that occurs on the site would be addressed by the proposed new construction and infrastructure. Ms. Rothstein stated she agreed with Mr. Roberts regarding the difference between the front and rear of the building plans. Ms. Thompson and Mr. Koontz discussed the use, view lines, and buffers proposed for the rear of the building as opposed to the front of the building. Ms. Rothstein questioned the panel on the scale of the building proposed as compared to the historic buildings within the Village. Ms. Thompson stated the scale is intended to show the proposed building scales are a little smaller than the Carolina and a little larger than the Holly Inn and only vary by less than 40 feet. Ms. Rothstein asked the panel whether any of the water from the site is going to affect the basin around the Women's Exchange. Mr. Koontz stated the proposed plans would actually help reduce the amount of water flowing towards the basin around the Women's Exchange. Ms. Rothstein questioned the panel about the removal and replacement of the tennis courts. Mr. Koontz stated he believed the Resort was working through plans to address the loss of the tennis courts. Ms. Rothstein questioned the panel's request for a 50% increase in the size of signage used on the site. Ms. Latham interjected and asked Mr. Cameron to display the table outlining the requested rezoning conditions. Ms. Latham asked the panel to give the specific location of the signs proposed. Ms. Thompson and Mr. Jairus displayed a plan showing exactly where each type of proposed sign would be placed and discussed the style of signage proposed. Ms. Latham stated the signage conditions needed to be honed down to specifics. Mr. Koontz agreed to specify which signs the 50% condition would apply to.

Ms. Latham asked the panel to clarify the handicap parking allocation and location in relation to the Visitors' Center. Mr. Koontz stated the goal is for anyone visiting the facility to have an experience and to keep the experience consistent amongst all visitors. Parking does meet ADA Guidelines in terms of distance. Mr. Koontz stated there are drop off areas at the front and rear of the facilities where assistance is available. Ms. Latham asked the panel to discuss the way in which the more permeable materials proposed would work with the grading of the site. Mr. Koontz stated the materials would work in much the same way as the standard material of

asphalt with the additional benefit of having some of the water actually penetrate and be absorbed before traveling to the storm drainage systems. Ms. Latham asked the panel if the alternative surface for parking was intended for the whole proposed parking area? Or just part? Ms. Thompson responded there is no definitive decision made at this time and the panel would like to reserve the right to consider using the alternative surface for the whole parking area. Ms. Latham asked the panel to expand on staging of and timeline for construction traffic in relation to the building of the Resort Lodge. Ms. Powers displayed plans outlining the locations of the two sites, the timeline of construction at each site, and the possible staging sites for construction utilizing the railway running along the two sites. Ms. Latham asked the panel to clarify the location of a crosswalk in the area where a walkway would be installed. Ms. Rothstein stated there is not a crosswalk currently located in the area where the proposed walkway would be installed. The Board and panel members discussed the way guarantee installation of a walkway in the future once more work had been done on the multimodal transportation plan.

Mr. Jones asked the panel if growth was anticipated as the traffic analysis was based upon 60 employees. Mr. Jairus stated that growth would be slow and incremental, in the single digits at most. In fact the organization has been contracting. Mr. Jones asked the panel to clarify the location and number of road signs proposed. Mr. Koontz confirmed the location and number of road signs for the Board. Mr. Jones asked the panel to discuss the anticipated number of visitors to the site. Mr. Jairus analyzed the data that supports the anticipated visitor number of roughly 300 per day or roughly 110,000 per year. Mr. Jones asked the panel if the intention was to expand the existing pine grove into the right of way. Mr. Koontz responded the intent was to expand the pine grove as part of the restoration efforts and coordination with the D.O.T. would be done. Mr. Jones asked the panel for clarification on the walkway easement and possible locations of future walkways. Mr. Koontz stated first the panel wanted to define what type of walkway would be installed then move into details about where the walkway would be installed. Ms. Thompson stated the intent is for the USGA to work with the Village. The Board and panel discussed the positive impact a walkway would have, both for the Village and for the USGA. Mr. Jones asked the panel to define the use of the greenhouse proposed. Mr. Jairus stated the greenhouse would be used for turf grass breeding and turf grass research. The Board and panel discussed when and where the future greenhouse would be built and adding a 9th condition outlining more requirements for the greenhouse. Mr. Jones questioned the desire or intention of the USGA to pursue a LEED certification. Mr. Jairus stated the USGA has not historically pursued LEED certification for their buildings as USGA buildings are minimum LEED silver but do not feel it is a good use of resources to pursue the certification. Ms. Thompson stated the panel has engaged a sustainability specialist to consult on the site development. Mr. Jones asked the panel if consideration was given to the difference in storm water management on site should the alternative surface for the parking area not be approved and the default surface of asphalt is used instead. Mr. Koontz stated all of the design has been done with asphalt as the baseline.

Mr. Alzamora stated he is hesitant to get rid of the walkway condition and appreciates the idea of an easement but the burden should not be passed on to the Village or taxpayers. Mr. Alzamora asked further consideration be given to this matter. Mr. Alzamora asked the panel to discuss relocation of the shuttle site for the Resort and how employees of the Resort would be serviced by the shuttles given the new location. Mr. Koontz responded the shuttles would run along Highway 5. Mr. Alzamora questioned whether the walkway easement would extend beyond Cherokee Rd. to include a walkway running along Highway 5 to the shuttle area. Mr. Koontz stated extending the walkway along Highway 5 is a challenge due to the area being a pinch point. Continued discussions will be had with the Village to identify the best options for the walkway.

Mr. Hooper asked the panel if the USGA currently has a testing center, what happens there and what will happen there now with the new testing center being opened here in Pinehurst. Mr. Jairus stated there currently is a testing center in New Jersey, which has been in operation since the 1980's. Mr. Jairus and Ms. Thompson explained the function of the current testing facility, what functions would be relocated to the testing facility in Pinehurst and what will happen to the testing facility in New Jersey. Mr. Hooper stated one of his concerns would be a change of use in the future. Mr. Jairus responded that there would have to be a fundamental shift in the mission of the USGA for a change of use to be an issue. Mr. Hooper asked whether the alternative surface for the parking areas provides a positive impact on the storm water numbers. Mr. Koontz stated the alternative surface mostly is a grading issue and does not have much impact on the storm water management.

Mr. Hooper concluded the questioning of panel members and asked Mr. Cameron to provide input on Staff recommendations and specifics for the 9th condition. Mr. Cameron provided details on how Staff recommends the 9th condition be worded.

Mr. Hooper recessed the hearing at 6:10 PM and stated the hearing will reconvene at 6:20 PM for public comment.

Mr. Hooper reconvened the hearing at 6:21PM and opened the hearing for public comment.

Mr. Hooper noted there were no public comments sign ups and asked if there were any members of the audience that would like to make comments.

Mr. Hooper stated, given the absence of public comments, discussion would continue on the condition requests for Public Hearing No. 1. Mr. Cameron interjected to recommend the Board make a motion to close the public hearing. The Board and Mr. Cameron discussed and agreed to close the public hearing.

Mr. Jones moved to adjourn Public Hearing No. 1 and re-enter the Regular Meeting. Seconded by Mr. Alzamora. Approved by a vote of 6-0.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed zone change that will then be forwarded to the Village Council for consideration.

Mr. Hooper opened discussion of the regular meeting by asking the Board to work through each condition, work on motions and consider a consistency statement. The Board proceeded to discuss the language of each condition.

Conditions #1-3: The Board unanimously agreed the language is acceptable with a poll of 6-0.

Condition #4: The Board unanimously agreed the language is acceptable with a poll of 6-0. Mr. Cameron stated there is an error in the table of a 50 foot setback as opposed to the 20 foot setback noted on the application.

Condition #5: The Board asked for the language of the condition be changed to limit the 50% increase to only 3 signs, which are 2 wall signs and 1 ground sign, and make the increase subject to the approval of the Historic Preservation Commission. The Board agreed the amended language is acceptable with a poll of 4-2. Mr. Roberts and Mr. Shumaker dissenting.

Condition #6: The Board asked for the language of the condition be changed to provide an easement of 5 feet with a financial guarantee of 125% of the construction costs for the walkway, which will be done at a later time and in a location to be determined under advisement and approval of the Village. The Board agreed the amended language is acceptable with a poll of 6-0.

Condition #7: The Board agreed the language is acceptable with a poll of 6-0.

Condition #8. Staff is not recommending condition approval based on current language. The Board asked for the language of the condition be changed to require Technical Review Committee approval of any alternative, sustainable surface proposed and, should a consensus by the Technical Review Committee not be met, the default surface of 75% asphalt must be used. The Board agreed the amended language was acceptable with a poll of 6-0.

Condition #9: The Board agreed the language is acceptable with a poll of 6-0.

Mr. Roberts questioned changing the language of the storm water management statement to 25 year storm from 10 year storm in Condition #8.

Mr. Hooper suggested moving forward with formulating motions and voting.

Regarding Public Hearing No. 1 (USGA):

DRAFT

Ms. Latham moved that the Planning and Zoning Board adopt the Statement of Consistency and authorize its Chair to execute the document as the proposed zoning map amendment is consistent with the 2019 Comprehensive Long-Range Village Plan, as described in the staff report prepared by Alex Cameron dated June 23, 2021. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public. Seconded by Mr. Jones. Approved by a vote of 6-0.

Mr. Jones moved that the Planning and Zoning Board recommend approval to the Pinehurst Village Council of the proposed zoning map amendment

- With the following added condition(s) (if any): See the table and amended language for each condition #1-9.

Seconded by Ms. Latham. Approved by a vote of 6-0.

Ms. Latham moved to recess the Regular Meeting and enter into Public Hearing No. 2. Seconded by Ms. Rothstein. Approved by a vote of 6-0.

B. Public Hearing No. 2 - 160D Text Amendments

The purpose of this public hearing is to consider a series of proposed changes to the Pinehurst Development Ordinance (PDO) to implement required statutory 160D changes.

Mr. Cameron stated the intent of the new statue was to consolidate city and county enabling statues, provide logical organization, and clarify terms and definitions. The statute was implemented in 2019 with an effective date of July 01st, 2021. UNC-SOG has been a great support and source of guidance. Mr. Cameron presented affected sections. Mr. Cameron recommended approval of the proposed text amendments and adoption of the consistency statement provided. Mr. Cameron clarified for the Board the impact the amendments would have on the function of the Board.

Mr. Hooper noted there were no public comments sign ups and asked if there were any members of the Board that had questions for the Staff.

Mr. Shumaker moved to adjourn Public Hearing No. 2 and re-enter the Regular Meeting. Seconded by Ms. Latham. Approved by a vote of 6-0.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed amendments that will be forwarded to the Village Council for consideration.

Regarding Public Hearing No. 2 (160D Text Amendments):

Mr. Alzamora moved that the Planning and Zoning Board adopt the Statement of Consistency and authorize its Chair to execute the document as the proposed zoning map amendment is consistent with the 2019 Comprehensive Long-Range Village Plan, as described in the staff report prepared by Kathy Liles dated June 24, 2021. Achieving goals

in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public. Seconded by Mr. Jones. Approved by a vote of 6-0.

Mr. Alzamora moved that the Planning and Zoning Board recommend approval to the Pinehurst Village Council of the proposed zoning text amendment

- With the following recommended edits (if any):

Seconded by Mr. Jones. Approved by a vote of 6-0.

Ms. Rothstein moved to recess the Regular Meeting and enter into Public Hearing No. 3. Seconded by Mr. Roberts. Approved by a vote of 6-0.

C. Public Hearing No. 3 - Electronic Permitting

The purpose of this public hearing is to hear comments on a number of amendments to various sections of the Pinehurst Development Ordinance (PDO) to implement required use of the Village's electronic permitting system for permits and planning applications.

Mr. Cameron stated there is a level of comfort with technology by residents at large, which makes this recommendation feasible. Mr. Cameron presented a summary list of changes. Staff recommends approval of the proposed text amendments adoption of the consistency statement provided. Mr. Cameron and the Board discussed a timeline for implementation of the electronic submittal requirements, the challenges of paper versus electronic submittals, availability of alternate forms of submittal, and instructional workshops for users.

Ms. Rothstein moved to adjourn Public Hearing No. 3 and re-enter the Regular Meeting. Seconded by Mr. Alzamora. Approved by a vote of 6-0.

After public hearing is closed, the Planning and Zoning Board may take action on the proposed amendments that will be forwarded to the Village Council for consideration.

Ms. Latham moved that the Planning and Zoning Board adopt the Statement of Consistency and authorize its Chair to execute the document as the proposed zoning map amendment is consistent with the 2019 Comprehensive Long-Range Village Plan, as described in the staff report prepared by Kathy Liles dated June 24, 2021. Achieving goals in accordance with the Comprehensive Plan is considered reasonable and in the best interest of the public. Seconded by Ms. Rothstein. Approved by a vote of 6-0.

Mr. Alzamora moved that the Planning and Zoning Board recommend approval to the Pinehurst Village Council of the proposed zoning text amendment

- With the following recommended edits (if any):

Mr. Jones seconded. Approved by a vote of 6-0.

IV. Next Meeting Date

A. August 5, 2021 Regular Meeting

Mr. Shumaker and Mr. Roberts will not be in attendance.

Mr. Cameron introduced Ms. Shannon Konstantinou, the new Administrative Specialist, Ms. Alexandria Rye, the new Senior Planner, and thanked Ms. Kathy Liles.

V. Motion to Adjourn

Ms. Rothstein moved to adjourn the Regular Meeting. Seconded by Mr. Roberts. Approved by a vote of 6-0 at 07:46 PM.

Respectfully Submitted,

Shannon Konstantinou
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A videotape of this meeting is located on the Village website: www.vopnc.org.

The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.
Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.
Values: Service, Initiative, Teamwork, and Improvement.

DRAFT

INTRODUCE AND DISCUSS FORM BASED CODES
ADDITIONAL AGENDA DETAILS:

FROM:
Alex Cameron

CC:
Darryn Burich

DATE OF MEMO:
8/26/2021

MEMO DETAILS:
The 2019 Comprehensive Plan recommended the Village consider the use of character based or formed base codes to help ensure high quality development. As part of the Small Area Plans currently underway for the areas of Village Place (Focus Area 2) and Pinehurst South (Focus Area 4) our consultants will provide us a draft of a formed based code that, if adopted, will be used in reviewing applications for development.

Staff would like to share and discuss a handbook on formed based codes as well as a couple examples of hybrid form based codes currently being utilized in other jurisdictions in our state (Asheville and Davidson). This can provide an overview of form based codes as well as show the Board examples of what a form based code looks like and how it can apply to development.

ATTACHMENTS:

Description

- Formed Based Code Primer
- FBC Theory to Practice
- Asheville Haywood District FBC
- Davidson FBC

FORM-BASED CODE

General Descriptions and Applications

What is Form-Based Code?

Form-based codes address the relationship between **buildings and the "public realm"** (which is to say streets, open spaces and civic buildings and places), the form and mass of buildings in relationship to one another, and the scale and type of streets and blocks. The regulations in form-based codes are presented in both written and diagrammatical formats, and keyed to a regulating plan (zoning district map) that designates the appropriate form, scale and placement of development, streets, and civic spaces

In contrast, conventional zoning regulations focus on the segregation of land use types, permissible property uses, and the control of development intensity by different zoning districts through simple numerical parameters such as floor area ratios (FAR), density, height limits, lot coverage, and minimum setbacks and frontages.

Street design standards are often absent in zoning regulations (in MA they are typically found in the Subdivision Regulations), and where they are defined they are typically simple r-o-w standards intended strictly for construction purposes with few of any requirements regarding streetscape treatments and intermodal accommodations (i.e. pedestrians, bicyclists, and transit). Often there are few options to choose from and right-of-ways tend to be wide and out of context in certain areas of the community targeted as mixed use walkable environments. FBCs are often accompanied by a hierarchy of street and streetscape design that achieves these criteria.

Conventional zoning regulations also tend not to have **civic or open space standards** that define a variety of spaces intended for different forms and public gatherings and active/passive recreational uses. Conventional zoning regulations may have percent lot coverage requirements or open space requirements in PUDs but often do not address how these spaces should take shape and thus enhance vitality in the district.

Not to be confused with design guidelines or general statement of policy, form-based codes are regulatory, not advisory. The potential benefits of adopting form-based code include the following:

- Ease of use with effective diagramming of development standards
- Predictability in the physical outcome of development
- Higher quality development as a result of well defined development standards
- Stronger connections between development plans and regulations
- More efficient approval process.

In summary, form-based codes are drafted to achieve a community vision based on time-tested forms and patterns of urban planning and design. Ultimately, a form-based code is a tool; the quality of development outcomes is dependent on the quality of goals, objectives, and strategies defined in the community plan and implemented through land use regulations.

The Origins of New Urbanism and Form-Based Code[1]

Form-Base Code (FBC) is a relatively new and innovative method of **managing growth and shaping development to achieve a specific urban form, pattern and mix of uses** as preferred by the community.

The **Congress for the New Urbanism (CNU)** was officially founded in 1993 by a group of town planners and architects dedicated to revitalizing and promoting walkable, mixed use, sustainable communities. The founders described the principles of Smart Growth in the **Charter of the New Urbanism** which promotes the hallmarks of New Urbanism, including:

- Livable streets arranged in compact, walkable blocks.
- A range of housing choices to serve people of diverse ages and income levels.
- Schools, stores and other nearby destinations reachable by walking, bicycling or transit service.
- An affirming, human-scaled public realm where appropriately designed buildings define and enliven streets and other public spaces.

Today, CNU is a leading organization in promoting mixed-use neighborhood development and healthier living conditions.

CNU members began working individually and collectively in the late 1980s and early 1990s to formulate, test and refine alternatives to conventional zoning. They began to focus on community development patterns and their variations in scale and intensity rather than in the differences between land uses. The results of the New Urbanist research of zoning alternatives first appeared in the Southeast United States followed shortly thereafter in the West on large mixed use development projects.

The Development Code for **Seaside**, Florida prepared by Duany Plater-Zyberk (DPZ) in 1981 was the first modern day application of form-based coding. It regulated development in this new planned development by specific building and lot types. The entire code was presented graphically on one poster.

During the late 1980s and early 1990s, several cities and counties in the southeast adopted form-based code in the form of **Traditional Neighborhood Development** (TND) ordinances. Over the past 10 years, form-based code has evolved from applying almost exclusively to "greenfields" to existing developed areas such as downtowns, village centers and highway corridors. Today there are many examples for form-based codes applied city-wide as well as districts targeted for revitalization and redevelopment.

[1] From ***Form-Based Codes: A Guide to Planners, Urban Designers, Municipalities, and Developers,*** *John Wiley & Sons, 2008, by Daniel G. Parolek, AIA, Karen Parolek, and Paul C. Crawford, FAICP*

Common Goals and Principles of Form-Based Code

Most form-based codes are designed to achieve the following community goals and Smart Growth Principles:

- **Based on a Community Vision** - Form-Base Code is often used as a specific method of regulating development to achieve a community vision and urban form. FBCs typically follow the preparation of a master plan or strategic plan that provides for future land use and development objectives in a given neighborhood, corridor, or district.

- **An Implementation Tool** – FBCs are designed to achieve a community vision based on local preferences for forms of development. The quality of future development and redevelopment is dependent on the quality and objectives of the community's plan. The FBC translates this plan and is calibrated to fit the local context and vision for the future.

- **Compact Development** – FBCs typically focus on creating a walkable urban environment and conserving land and energy through reduced automobile usage and advanced techniques such as stormwater infiltration.

- **Focus on Physical Form vs. Land Use** - Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land and building use. The regulations and standards in FBCs are presented in both diagrams and words.

- **Diversity and Mixed Uses** – FBCs are geared to prevent homogeneity through a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility. FBC typically define the horizontal and vertical mix of uses rather than separating them like many conventional regulations. Potential conflicts between uses are typically addressed through frontage zones and performance standards rather than separation.

- **Public-Private Relationship** - FBCs address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets, blocks, and civic spaces.

- **Complete Streets** – FBCs are typically geared to creating densely interconnect street network, dispersing traffic and providing convenient routes for pedestrian and bicyclists.

- **Creating an Outdoor Room** – FBCs standards for frontages, building setbacks and heights are typically geared to create a combination of development and streetscape design that shapes the public realm and provides street enclosure as desired by the community.

- **Vibrant Civic Spaces** – FBCs include standards to create high quality public and civic spaces with relationships to buildings and streets such as plazas, squares, and neighborhood parks.

- **Transect Based Zoning** – FBC is based on Transect Districts which are similar to the zoning districts in conventional regulations except that in addition to the typical building use, density, height, and

setback requirements, other elements of the existing or intended habitat are integrated, including those of the private lot and building and the fronting public streetscape.

Typical Components of a Form-Based Code

Common components of a Form-Based Code include the following:

- **Regulating Plan** – A master plan or zoning map that designates the appropriate form, scale and placement of development, streets, blocks, and civic spaces. FBCs are keyed to a regulating plan which addresses the character of the public realm as well as private development rather than only distinctions in land-use types which is typical in conventional zoning district maps.

- **Building and Lot Types** – The FBC defines the configuration, design features, and functions of building types that frame the public realm. Buildings are typically placed close to the sidewalk with frontage variations based on types of use (civic, residential, mixed use).

- **Frontage Types** – These standards define how different types of buildings (i.e. civic, residential, commercial, or mixed use) address the public realm along their frontages. Some examples may include storefronts, arcades, galleries, stoops, and forecourts.

- **Allowable Uses and Functional Standards** – The FBC defines the horizontal and vertical mix of uses rather than separating them like many conventional regulations. Potential conflicts between uses are typically addressed by performance standards and **frontage zones** which will define the types of uses permitted at ground level to accomplish certain planning objectives such as creating a cluster of retail or restaurant uses.

- **Dimensional and Placement Standards for Lots and Buildings** - The Regulating Plan (or zoning map) will indicate a "build-to-line" or minimum/maximum building setbacks. Buildings are typically required to be placed close to the sidewalk to improve vitality and walkability with variations based on types of use (civic, residential, commercial, or mixed use).

- **Development and Design Standards** – Design standards in FBCs will usually address how building facades present themselves to the street and other public spaces including the front entrance. Front façades, fenestrations, entrances, articulation, material courses, height stepbacks, outdoor activities, and lighting are typical design elements that are addressed to create an attractive street wall and an interesting pedestrian environment.

- **Thoroughfares Design Hierarchy** – FBCs provide functional specifications for thoroughfares which are often arraigned in a design hierarchy and can range from large boulevards to alleys to pathways. Design standards are usually geared to creating pedestrian friendly "complete streets" through the assemblage of key functional characteristics (e.g., sidewalks, travel lanes, street trees, street furniture, transit facilities, bike facilities, lightings, etc.). Thoroughfares are designed to interact with surrounding buildings and create an attractive framework for private investment.

- **Public and Private Open Space Types** – The integration of vibrant civic and public spaces into neighborhoods and town centers is an essential component of the urban landscape. FBCs provide a palette of possible civic spaces such as neighborhood parks, plazas, squares, playgrounds, and community gardens.

- **Flexible Parking Standards** – FBC prescribes the location and design of parking areas and allow (or require) shared parking and utilization of public parking when determining the number of spaces needed.

- **Administrative and Review Process -** FBCs prescribes clear application and development review process. A common advantage of FBCs is that more review processes can be conducted administratively or through a simple site plan review because development outcomes are more predictable.

- **Definitions -** A glossary to ensure the precise use of technical terms.

Optional components of form-based codes include the following:

- **Architectural Standards -** Regulations controlling external architectural materials and quality.

- **Landscaping Standards -** Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g. regulations about parking lot screening and shading, maintaining sight lines, ensuring unobstructed pedestrian movement, etc.).

- **Signage Standards -** Regulations controlling allowable signage sizes, materials, illumination, and placement.

- **Environmental Resource Standards** – Sustainable development and low impact design (LID) regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.

- **Annotation -** Text and illustrations explaining the intentions of specific code provisions.

What is the Key Difference between FBC and Conventional Zoning Regulations?

The key difference between Conventional Zoning Regulations and Form-Based Code is that development is regulated by type of use rather than building location and relationship to public space, streets and surrounding buildings. For example, conventional zoning regulations typically **segregate land use types** and permissible property uses by zoning districts where form-based codes would provide for a broader mix of uses while focusing on the placement of buildings where certain types of uses would typically accumulate.

Conventional zoning regulations also control development intensity by different zoning districts. The intensity of development is usually controlled by **simple (and often arbitrary) dimensional parameters**

such as floor area ratios (FAR), units per acre, height limits, maximum lot and building coverage, and minimum setbacks and frontages.

Common Characteristics of Conventional Zoning Regulations

- Focus on the separation of uses from one another.
- Regulate building placement in an abstract manner, often without consideration or relationship to adjacent properties.
- Setback requirements are typically not site specific resulting is limited control over how the public space of the street is developed.
- Housing types typically differ by zoning district resulting in the separating people by income or stage of life. This often results in people having to move if their family grows or shrinks.
- Typically do not address the relationship between the building frontage (façade and space) and adjacent street.
- The number of parking spaces is based on building square footage and use often without consideration for available transit, public parking (on and off-street), and shared parking opportunities.
- Street design is typically not included in zoning regulations resulting in unfriendly walking environments and poor connections from one place to another.
- Civic and open spaces are typically not defined or provided for except in a general manner such as through lot and building coverage.

What is the Difference between a Regulating Plan and Zoning District Map?

Conventional zoning districts are typically defined by a simple peripheral boundary which encompasses the permissible uses and applicable dimensional requirements and functional standards in a given geographical area. Zoning districts typically address only private development and their potential impacts and access to public infrastructure.

Form-based codes are keyed to a **regulating plan** that designates the appropriate form, scale and placement of development, streets, and civic spaces. The regulating plan is usually a detailed master plan or zoning map of the district (or transect) designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded. The Regulating Plan also provides the structure for the public realm including the size and location of blocks, appropriate locations and types of thoroughfares, and location and forms of public and civic spaces. The regulating plan may also include **frontage zones** which prescribed the horizontal and vertical mix of uses in key areas.

What is a Hybrid Form-Based Code?[2]

"Hybrid codes" integrate conventional zoning regulations with graphic urban design standards that typically address setbacks, parking placement, building bulk, materials, and architectural features. The

[2] *From the article "Hybrid Codes Versus Form-Based Codes" by Kaizer Rangwala in New Urban News, April-May, 2009*

use of graphical design standards does not make this hybrid a form-based code (FBC) and may not produce the desired physical outcome for a given district. While urban design standards within a conventional zoning framework are beneficial, they may not be enough, and are not a viable alternative to FBCs.

Creating a hybrid zoning bylaw/form-based code that has form-based and use-based standards side by side without compromising the principles of form-based code can be a challenge. However, most form-based codes being created today are hybrid codes, as few cities and towns are prepared to fully replace conventional zoning regulations.

Some of the key topics in preparing a hybrid form-based/conventional zoning code include the following:

- The process for deciding where FBCs should apply and where to leave the use-based zoning;
- How to structure the table of contents to ensure that walkable urban development (as regulated by the Form-Based Code) is the default or is as much of a default as drivable suburban development;
- Assessing existing regulations and effectively calibrating the FBC elements;
- Integrating the visioning public process (i.e. Visual Preference Survey, design charrette, etc.) into the code update;
- Different ways to apply the land use transect without compromising it;
- How use tables within transect/form-based zones need to be different than use-based zones; and
- The role of subdivision standards and ways to address variances/special permits.

What are the Potential Benefits of FBCs?

The potential benefits of adopting form-based code include the following:

- **Stronger Connections Between Development Plans, The Community's Vision and Land Use Regulations** - FBCs can provide broader public support because are typically based on a community vision and plan, and allow citizens to see what will happen and where leading to a higher comfort level about greater density, for instance.

- **Can be Calibrated to Existing Desirable Conditions** - FBCs work well in established communities because they effectively define and codify a neighborhood's existing "DNA." Vernacular building types can be easily replicated, promoting infill that is compatible with surrounding structures.

- **Predictable Physical Outcomes of Development** - Because they are prescriptive (they state what you want), rather than proscriptive (what you don't want), form-based codes (FBCs) can achieve a more predictable physical result. The elements controlled by FBCs are those that are most important to the shaping of a high quality built environment.

- **Encourages Diversity** - Because they can regulate development at the scale of an individual building or lot, FBCs encourage independent development by multiple property owners. This eliminates the need for large land assemblies and the megaprojects that are frequently proposed for such parcels.

- **Higher Quality Development** - The built results of FBCs often reflect a diversity of architecture, materials, uses, and ownership that can only come from the actions of many independent players operating within a communally agreed-upon vision and legal framework.

- **Effectively Replaces Design Guidelines** - FBC eliminates the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce. They also require less oversight by discretionary review bodies, fostering a less politicized planning process that could save time and reduce the risk of legal challenges.

- **Creates a Supportive Relationship between Private Development and The Public Realm** – Because specific standards are established for street design and civic/open spaces a more attractive, safer, and walkable environment is often created.

Form-Based Zoning from Theory to Practice

BY DAVID WALTERS AND DUSTIN READ, PH.D., J.D.

INTRODUCTION

Form-based zoning has a long history and is increasingly being used by municipal governments throughout the United States to influence the composition of urban areas. These regulations offer real estate developers flexibility in project size, allowable land uses and product mix in exchange for the imposition of specific controls on some of the external features of buildings that influence how these structures interact with the public realm.[1] There are reasons to believe both the public and private sectors can derive significant benefits from this approach when it is managed appropriately.[2] However, some policymakers and planning departments have an established record of implementing form-based zoning in a manner that is inconsistent with its underlying principles. Reluctance on the part of municipal governments to provide true by-right flexibility, coupled with cumbersome aesthetic requirements extending beyond controls on urban form, contribute to tenuous support for these regulations amongst real estate developers. The purpose of this article is to explore the potential advantages and disadvantages of form-based zoning in the hope of determining how it can be used more effectively to support development that is financially viable and socially beneficial. This is accomplished by first reviewing the features of this type of land use regulation, before shifting attention to the ways in which it can aid or frustrate real estate development initiatives. The analysis concludes with a summary of best practices that can be adopted by municipalities to maximize the value of form-based codes in an effort to make their jurisdictions more attractive for real estate development projects capable of stimulating economic activity.

THE FUNDAMENTALS OF FORM-BASED ZONING

Although the scope and purpose varies across jurisdictions, effective form-based codes contain two unifying principles. First, they impose relatively strict controls on the external form and scale of buildings in order to define the character of a neighborhood or district in a desired way. Second, they provide broad flexibility in allowable land uses and by-right entitlements to developers willing to construct projects in conformance with a community's articulated vision. Both of these features represent sharp departures from traditional zoning ordinances that often discourage mixed-use development and subject developers to time-consuming and costly project entitlement processes.

A key to understanding form-based zoning is recognition that this type of land use regulation is primarily intended to enhance the "public good" derived from private sector development. This involves managing the siting, massing and frontage layout of buildings in ways that create public spaces promoting pedestrian interaction, usually through the incorporation of active streetscapes and squares.

About the Authors

David Walters, *a British architect and urban designer, directs the Master of Urban Design program at UNC Charlotte, and is senior urban designer at the Lawrence Group.*

Walters is the author of two books on urban design and planning, Design First: Design-based Planning for Communities, *co-authored with his wife Linda Luise Brown, and* Designing Community: Charrettes, Masterplans and Form-based Codes.

Dustin C. Read, Ph.D., J.D., *serves as the director of the Center for Real Estate at UNC Charlotte. He earned his doctorate degree in public policy at UNC Charlotte and his juris doctor at the University of Missouri. Read's research interests include land use policy, public-private partnerships, and sustainable development practices.*

Some basic examples include requiring buildings to be lined up along streets, with parking facilities moved to the rear, in order to create a pedestrian-friendly street edge. The objective is not to impose draconian aesthetic requirements upon real estate developers, but rather to better connect public spaces and reinforce the urban character of an area by incentivizing a specific type of built environment. Long before any specific development is proposed, stakeholders have the opportunity to help define the desired urban character by participating in design planning through public hearings and other forums for community engagement.[3] Once consensus is reached through this pluralistic process and design codes are established, planning departments and policymakers are expected to entitle conforming projects. Examples of street design guidelines, district standards, and site and building standards from a prototypical form-based code can be found in Figures 1-3.

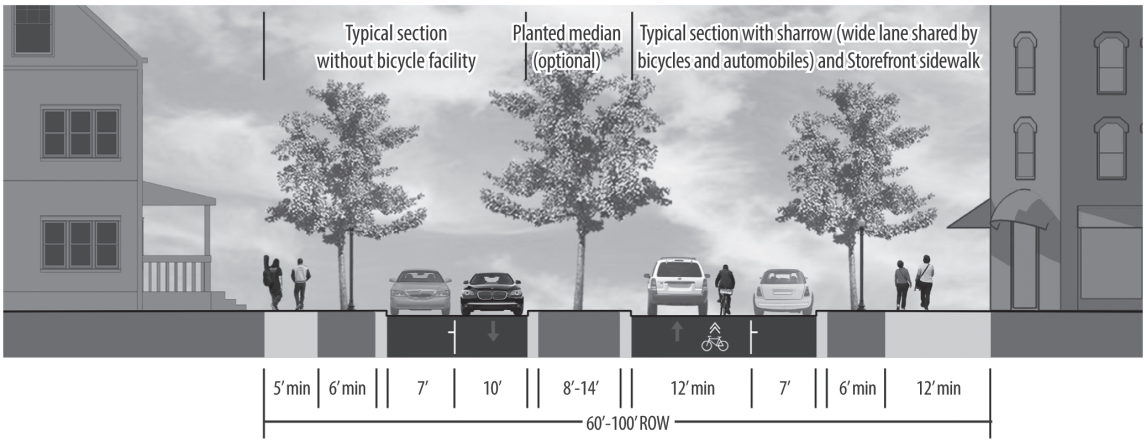
Form-based zoning encourages mixed-use development by providing real estate developers with broad discretion to horizontally or vertically integrate civic, commercial and residential space. Allowable use tables guide development within these zoning districts; with the authorized product mix becoming more permissive as locations become more urban in character. Building height is generally regulated by the number of stories, rather than the number of feet, to make differences in floor-to-floor heights less problematic across different product types. The ability to shift between allowable land uses over the course of a project is provided by-right in effective form-based codes, thereby providing the private sector with the ability to quickly respond to market forces without incurring rezoning costs that can mount into the hundreds of thousands of dollars in some jurisdictions. This flexibility, granted within the confines of controls on the external form of new development, benefits the public and private sectors by removing regulatory hurdles that have historically stifled mixed-use development projects. Zoning in this way ensures land uses are separated only when they are incompatible, not simply because they are different.

There are several ways in which municipalities can implement form-based zoning to achieve the aforementioned goals.[4] Some communities regulate all development within their jurisdiction in this manner, while others have opted for application in much smaller geographies. The latter approach is more common, and is typically accomplished through the use of form-based overlays adopted for specific corridors or activity nodes. As opposed to the broad-reaching aesthetic requirements typically imposed through the conditional rezoning process, form-based overlays tend to focus primarily on factors influencing how buildings interact with streetscapes and public areas. This provides real estate developers with a higher level of predictability throughout the entitlement process.

At its very best, form-based zoning offers a means of liberating real estate markets and providing developers with the ability to respond to consumer preferences by delivering pedestrian-oriented, mixed-use projects that reflect the aspirations of a community. This can be illustrated by example. Consider a real estate developer interested in constructing a mixed-use project with residential units over ground floor retail. Regulatory entitlements are obtained by satisfying siting, massing and building frontage requirements clearly articulated in an existing form-based overlay. Should market conditions change, the developer has the by-right ability to alter the product mix to satisfy the existing tenant demand so long as the form and arrangement of buildings continues to meet the requirements of the code. A costly and time consuming rezoning is not necessary to modify the project in this manner. The predictability of the regulatory process reduces the time required to complete the project and the developer's risk exposure, thereby putting downward pressure on construction costs, rental rates and housing prices. The end result is a more affordable project that remains consistent with the urban character called for by community stakeholders. Examples of two projects completed using form-based zoning can be found in Figure 4.

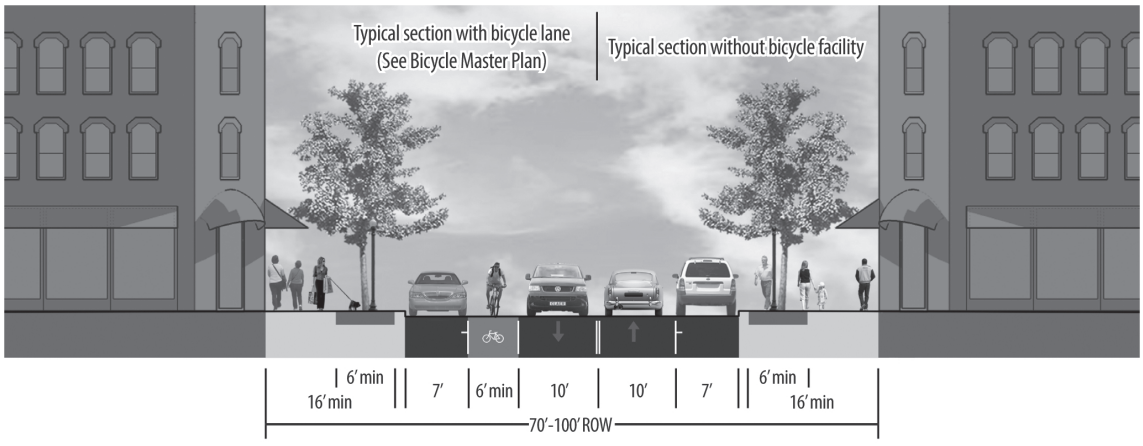
Figure 1.

Subdivision & Infrastucture Standards - I 6.8 Street Design & Classification (adapts 9.1.1, 11.1 and 11.2)*



G. Urban Avenue/Boulevard: Urban Avenues/ Boulevards are urban in character and provide low-speed, pedestrian-friendly access to neighborhoods and mixed-use areas. They serve as a primary neighborhood connector, often terminating at prominent buildings or plazas. On-street parking is provided on both sides of the street. *(Previously "High Density Street Options A & B", and "Village Infill Street")*

1. Right of Way Width	60-100 ft
2. Pavement Width	34-64 ft - including optional median (back-of-curb to back-of-curb)
3. Traffic Lanes	2 lanes at 10 ft each (or up to 14 ft with sharrow) - Marked
4. Median Width	8-14 ft (optional - where provided, must be planted with street trees at least 40' on-center)
5. Design Speed	20-25 mph
6. Parking Lanes	Both sides, Parallel (7 ft) or back-in angle (16 ft) parking - pervious pavement preferred
7. Sidewalk	Both sides - 5 ft min (12 ft min if located next to Mixed-Use/Storefront building)
8. Planter Type	6 ft min planting strip
9. Bicycle Facilitites	Bicycle lanes - 6 ft min OR Sharrows - 12 ft min shared lane (as indicated on Bicycle Master Plan)
10. Curb Type	Vertical curb and gutter (2 ft width for curb and gutter pan)



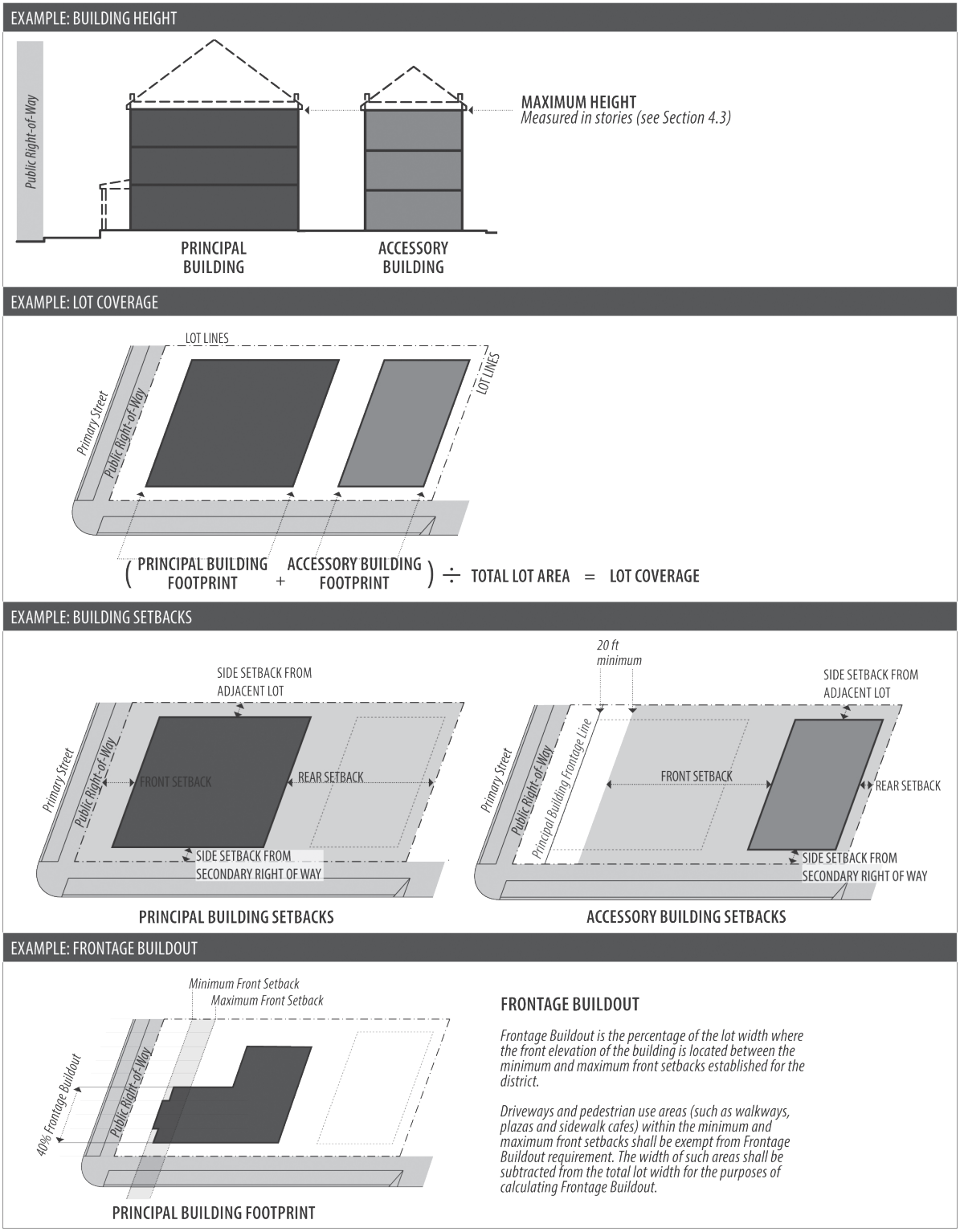
H. Town Center Street: Town Center Streets are designed to accommodate the highest density of residential and commercial uses and the greatest concentration of pedestrian acitivty. They are urban in character and carry diverse traffic volumes at low to moderate speeds. Sidewalks are wide to support vibrant pedestrian environments, outdoor displays and/or cafe seating. On-street parking enables convenient access to storefronts.

1. Right of Way Width	70-100 ft
2. Pavement Width	36-50 ft (back-of-curb to back-of-curb)
3. Traffic Lanes	2 lanes at 10 ft each (or up to 14 ft with sharrow) - Marked
4. Median Width	None
5. Design Speed	15-20 mph
6. Parking Lanes	Both sides, Parallel (7 ft) or back-in angle (16 ft) parking - pervious pavement preferred
7. Sidewalk	Both sides - 16 ft min
8. Planter Type	Tree wells (6 ft by 6 ft) within sidewalk
9. Bicycle Facilitites	Bicycle lanes - 6 ft min OR Sharrows - 12 ft min shared lane (as indicated on Bicycle Master Plan)
10. Curb Type	Vertical curb and gutter (2 ft width for curb and gutter pan)

*Reproduced by permission of The Lawrence Group. The sample page presented in this figure is illustrative of the content and layout of a modern form-based code, but cannot be interpreted in isolation without the supporting information provided in the remainder of the code.

Figure 2.

District Standards I 2.2 District Standards*



*Reproduced by permission of The Lawrence Group. The sample page presented in this figure is illustrative of the content and layout of a modern form-based code, but cannot be interpreted in isolation without the supporting information provided in the remainder of the code.

Figure 3.

Site & Building Design Standards I 4.6 General Building Design Requirements*

		MINIMUM FACADE TRANSPARENCY		
		Ground Floor Facade*	**Upper Floor Facades****	**Total Facade Area**
	Building Types			
Residential Buildings	Detached House	-	-	10%
	Attached House (Duplex, Triplex, Quadplex)	-	-	10%
	Townhouse	-	-	10%
	Apartment	-	-	15%
Mixed-Use & Commercial Buildings	Live/Work Unit	50%	30%	-
	Mixed-Use/Storefront	65%	30%	-
	Suburban Campus (Commercial, Industrial)	25%	20%	-
	Civic/Institutional	-	-	-

***Minimum percentage applies to the area of the facade between 3 feet and 8 feet above the finished first floor.**
****Minimum percentage applies to the lineal footage of the facade with some type of window or fixed glass.**

RESIDENTIAL FACADE TRANSPARENCY
(Transparent facade area / total facade area) ≥ min. % from table

MIXED-USE & COMMERCIAL FACADE TRANSPARENCY
Ground Floor: *Transparent facade % between 3 ft and 8 ft above finished floor ≥ min. % from table* ***Upper Floors:*** *[(A+B+C+D+E+F) / total facade width] ≥ min. % from table*

*Reproduced by permission of The Lawrence Group. The sample page presented in this figure is illustrative of the content and layout of a modern form-based code, but cannot be interpreted in isolation without the supporting information provided in the remainder of the code.

Figure 4.

Development Projects Completed Using Form-Based Zoning: Rosedale and Birkdale Village in Huntersville, North Carolina*

Rosedale is a multi-use development project horizontally integrating multifamily housing and grocery-anchored retail.

Birkdale Village is a mixed-use development project with office space and multifamily units over street level retail.

* "Rosedale:" Photo courtesy of David Walters and the Town of Huntersville

* "Birkdale Village:" Photo courtesy of David Walters, Shook Kelley and Crosland Inc.

FORM-BASED ZONING FROM THEORY TO PRACTICE

The analysis presented to this point appears to suggest real estate developers should largely embrace form-based zoning, but this is not always the case, for a variety of reasons. Most concerns stem from an application of this regulatory tool in a manner inconsistent with its core principles or in conflict with market realities. Some of the most common criticisms found throughout the planning literature are summarized in this section to inform both policymakers and real estate developers.

Form-based zoning is widely praised for its ability to reduce the amount of uncertainty faced by real estate developers in the entitlement process. This outcome is, however, largely dependent upon the structure of local regulation. Municipalities enacting form-based codes often take different approaches when balancing their need for predictability and flexibility.[5] Some codes authorize by-right development so long as stringent design standards are satisfied, while others favor a more discretionary approach recognizing "design sensibilities" and evolving stakeholder demands.[6] The latter strategy is problematic because it amplifies regulatory uncertainty as form-based zoning effectively devolves into negotiated zoning. Even when established form-based standards are rigorously enforced, there is some concern that predictability may come at the cost of creativity in urban design.[7] This critique has been raised by architects and planners alike who fear municipalities will seek out uniformity as a second-best alternative to thoughtful regulation.[8] However, this critique can be overstated, as good urban design is predicated more on the consistency of functional public spaces, rather than on building style and aesthetics.

Form-based zoning is also criticized for seeking to recreate urban environments from the past, which developed in response to economic issues and technological constraints that may or may not continue to exist.[9] This can result in the imposition of shape and bulk restrictions that do not reflect evolving consumer preferences, financial considerations or tenant demands. Consensus building activities and stakeholder participation throughout the policymaking process help ensure form-based codes reflect community interests, but there is no reason to believe the resulting design standards will be economically viable from the perspective of the private sector. Such is the risk of allowing social and political agendas to dictate regulatory standards, as opposed to market realities. This concern can be addressed by ensuring form-based codes do not seek to recreate pastiche historical settings; rather they should rely on time-tested types of urbanism, such as public streets, squares, alleys and urban parks as the armatures of space-making for contemporary civic and economic life.

By emphasizing external design features, as opposed to use restrictions, form-based zoning can clearly provide real estate developers with greater flexibility to respond to market forces.[10] Nonetheless, the magnitude of these benefits is mitigated by the amount of discretion a municipality is willing to grant the private sector. It is not uncommon for codes *purported* to be "form-based" to include use restrictions similar to those found in conventional zoning ordinances.[11] This is problematic because it may stifle innovation and discourage market-driven solutions throughout the development process.[12] It also effectively eliminates any intended development incentives that are derived from a by-right entitlement process. When up-front design requirements are subject to being arbitrarily expanded upon during a lengthy negotiated zoning process, the result is comparable to taking away a carrot and hitting the developer with two sticks.

Finally, and arguably most important, there appears to be considerable disagreement in the private sector regarding the economic merits of form-based zoning. This is evidenced by the fact that many jurisdictions have found it necessary to impose mandatory form-based regulations, as opposed to voluntary ones allowing developers to opt into form-based restrictions in exchange for more latitude in allowable uses.[13] Those in favor of mandatory codes argue that they provide regulatory predictability; encourage improvements to the public realm that are capitalized into rental rates; and safeguard a developer's investment by ensuring nearby property owners conform to form-based design requirements. Those opposed to mandatory codes contend that developers throughout a market should voluntarily embrace shape and bulk restrictions if they do in fact increase flexibility and property values. Additional research is needed to assess the economic merits of both of these positions.

CONCLUSIONS

Despite the concerns, form-based zoning has extraordinary potential to align the interests of the public and private sectors when it is implemented in a thoughtful and productive way. Municipalities considering this approach should assess their willingness to provide real estate developers with meaningful by-right flexibility, as well as their resolve to stand by adopted development standards in the face of the inevitable political pressure from neighborhood groups. Furthermore, municipalities must balance their desire for a defined urban character against the needs of the tenants who make neighborhoods and districts economically viable. This is necessary to ensure design codes do not unduly impinge on the marketability of buildings or simply price otherwise desirable tenants out of the market. Finally, municipalities must fight the urge to impose extensive aesthetic building design requirements upon real estate development projects in ways that go beyond the urban design issues of how buildings interact with the surrounding public space. This is essential to preserve the legitimacy of this regulatory approach in the eyes of the private sector. All of these steps are anticipated to help ensure form-based codes contribute to economic development at the local level by making a jurisdiction a more attractive place for private sector real estate investment. ■

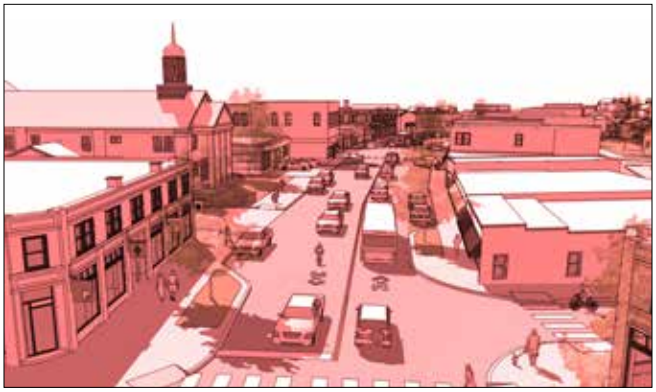
ACKNOWLEDGMENT

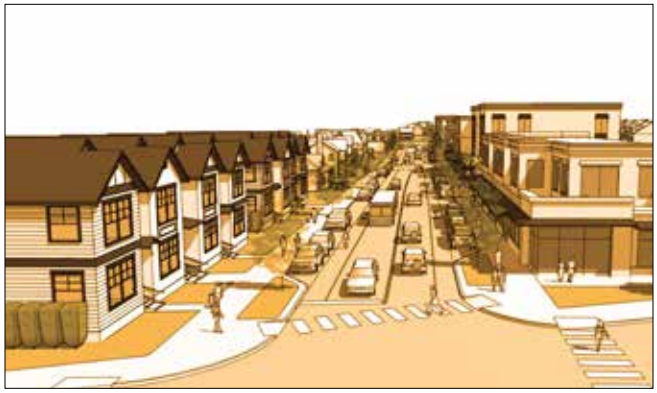
The authors would like to thank the Crosland Foundation for its financial support of this project, as well as the Piedmont Public Policy Institute[1]'s advisory board for the thoughtful feedback provided throughout the preparation of the manuscript. Any errors or omissions are solely attributable to the authors.

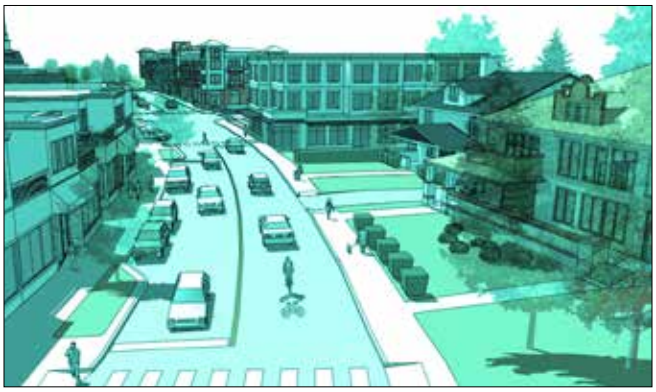
ENDNOTES

1. Sitkowski, R. J. and B.W. Ohm, "Form-Based Land Development Regulations, *The Urban Lawyer*, Vol. 38, No. 1, Winter 2006, pp. 163–172.
2. Parolek, D. G., K. Parolek and P.C. Crawford, "Form Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers," John Wiley & Sons, Inc., Hoboken, NJ, 2008.
3. Walters, D., *Designing Community: Charrettes, master plans and form-based codes*, Elsevier, Ltd., Oxford, U.K., 2007.
4. Godschalk, D. R., "The Devil Is in the Definitions," *Journal of the American Planning Association*, Vol. 73, Issue 4, 2007, pp. 451–453.
5. Sitkowski, R. J., "Form and Substance: What Land Use Lawyers Need to Know About Form-Based Land Development regulations," *Zoning and Planning Law Report*, Vol. 30, No. 3, 2007, pp. 1–9.
6. Talen, E., "Design by the Rules: The Historical Underpinnings of Form-Based Codes," J*ournal of the American Planning Association*, Vol. 75, Issue 2, 2009, pp. 144–160.
7. Talen, E., "Zoning For and Against Sprawl: The Case for Form-Based Codes," *Journal of Urban Design*, Vol. 18, Issue 2, 2013, pp. 175–200.
8. Carmona, M., S. Marshall and Q. Stevens, "Design codes: their use and potential," *Progress in Planning*, Vol. 65, Issue 4, 2006, pp. 209–289.
9. Inniss, L. B., "Back to the Future: Is Form-Based Code an Efficacious Tool for Shaping Modern Civic Life?" *University of Pennsylvania Journal of Law and Social Change*, Vol. 11, Issue 1, 2007, pp. 75–103.
10. Kayden, J. S., "Reconsidering Zoning: Expanding an American Land-Use Frontier,"*Zoning Practice*, Issue 1, 2004, pp. 1–15; M. Carmona, "Design Coding and the Creative, Market and Regulatory Tyrannies of Practice," *Urban Studies*, Vol. 46, No. 12, 2009, pp. 2643–2667.
11. Morphis, T. C., Jr., and W. Grimes, "An Introduction to Form-Based Zoning," *Land Use Law Quarterly*, Vol. 5, No. 3, 2010, pp. 5–9.
12. Staley, S. R. and E.R Claeys, "Is the Future of Development Regulation Based in the Past? Toward a Market-Oriented, Innovation Friendly Framework," *Journal of Urban Planning and Development*, Vol. 31, 2005, pp. 202–213.
13. Barry, J. M., "Form-Based Codes: Masured Success Through Both Mandatory and Optional Implementation," *Connecticut Law Review*, Vol. 41, Issue 1, pp. 307–339.

Haywood Road Form District







City of Asheville, North Carolina

COUNCIL DRAFT

September 9, 2014

CONTENTS

1.0. General Provisions

1.1. Purpose. 1
1.2. Intent 1
1.3. Applicability. 1
1.4. Transitional Provisions 2

2.0. Districts

2.1. Districts Established. 3
2.2. Rules Applicable to All Districts. 4
2.3. HR-1: Core 18
2.4. HR-2: Expansion 22
2.5. HR-3: Corridor. 26
2.6. HR-4: Traditional 30
2.7. HR-5: Live-Work 34
2.8. HR-6: Town. 38

3.0. Land Use

3.1. Classification of Uses 42
3.2. Permitted Use Table 43
3.3. Special Standards 46

4.0. Site Development

4.1. Parking 47
4.2. Landscaping and Screening. 50
4.3. Signs 51
4.4. Outdoor Display and Storage 61

5.0. Administration

5.1. Form-Based Code Administration 62

6.0. Definitions

6.1. Defined Terms 63

1.1. Purpose

The purpose of the Haywood Road Form District is to implement the Haywood Road Corridor Charrette Report and the Haywood Road Vision Plan.

1.2. Intent

It is the intent of this Haywood Road Form District to:

1. Where feasible, preserve and enhance existing buildings and structures along the Corridor.
2. Ensure a high quality of development for new construction;
3. Reduce the bulk and mass of buildings;
4. Ensure adequate distribution of height and mass throughout the Corridor, with larger buildings located closer to Patton Avenue;
5. Allow for a mix of uses at a variety of scales;
6. Promote additional housing types and housing opportunities;
7. Make the Corridor more walkable and pedestrian-friendly;
8. Implement the complete streets model by enhancing multi-modal transportation options, including transit, bicycle and pedestrian connections;
9. Calm traffic and improve vehicular circulation;
10. Support existing businesses; and
11. Ensure adequate transitions from the Corridor to adjacent residential neighborhoods.

1.3. Applicability

A. Territorial Application

The Haywood Road Form District applies to all property located within the Haywood Road Corridor, as shown in Sec. 2.1.

B. Application of Chapter 7, Development

1. The following requirements of Chapter 7 do not apply in the Haywood Road Form District, unless expressly stated otherwise:
   a. § 7-10-2. Required setbacks; allowable encroachments into required setbacks.
   b. § 7-11-4. Open space standards.
   c. § 7-11-6. Traffic impact analysis.
   d. 7-8-1d. Table of Uses
   e. 7-11-2c. Off-street parking requirements
   f. 7-13-4b and c. On-premise signs and single and multi-tenant signs.
2. The use of buildings and land within the Haywood Road Form District is subject to all other regulations as well as the Haywood Road Form District, whether or not such other provisions are specifically referenced in the Haywood Road Form District. References to other regulations or provisions of the Haywood Road Form District are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure or use from other regulations.

C. Conflicting Provisions

1. Interpretation of conflicts between the Haywood Road Form District and any other City ordinance or regulation (including Chapter 7) are controlled by the Haywood Road Form District.
2. The graphics, illustrations and photographs used to visually explain certain provisions of Haywood Road Form District are for illustrative purposes only. Where there is a conflict between a graphic, illustration or photograph and the text, the text controls.

1.4. Transitional Provisions

A. New Development

1. Except as provided in Sec. 1.4.C below, upon the effective date of the Haywood Road Form District or any subsequent amendment, any new building, additions or other structure or any use of land must be constructed or developed only in accordance with all applicable provisions of the Haywood Road Form District.

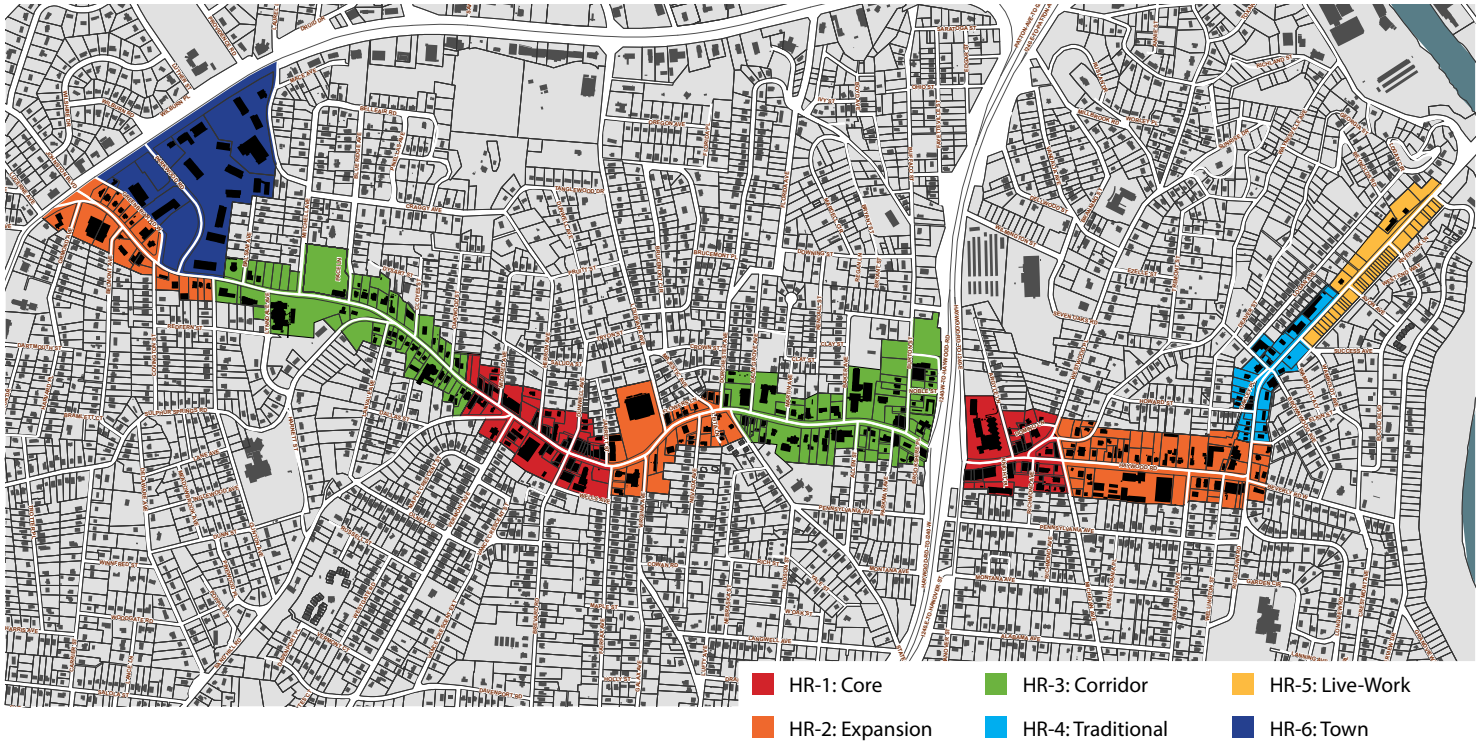
2. No excavation or filling of land or construction of any public or private improvements may take place or commence except in conformity with the Haywood Road Form District.

B. Existing Development

Any existing use, lot, building or other structure legally established prior to the effective date of the Haywood Road Form District that does not comply with any provision of these specific regulations is a legal non-conformity pursuant to Article 18.

C. Previously Issued Permits and Pending Applications

Previously issued permits and pending applications will be processed in accordance with and decided pursuant to the law existing on the date the application was filed.



The following Haywood Road sub-districts are established and are part the Official Zoning Map.

1. HR-1: Core
2. HR-2: Expansion
3. HR-3: Corridor
4. HR-4: Traditional
5. HR-5: Live-Work
6. HR-6: Town

The following general rules apply to all Haywood Road sub-districts unless expressly stated otherwise.

A. Lot

1. Defined

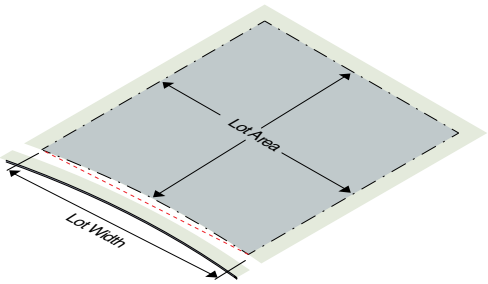
   A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

2. Lot Area

   Lot area is the area included within the rear, side and front lot lines. Lot area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

3. Lot Width

   Lot width is the distance between the two side lot lines measured at the primary street property line along a straight line or along the chord of the property line on a curvilinear lot.



B. Building Coverage

1. The maximum area of the lot that is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos.

2. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools, porte cochere, or roof overhangs of two feet or less. Surface parking is not considered part of building coverage.

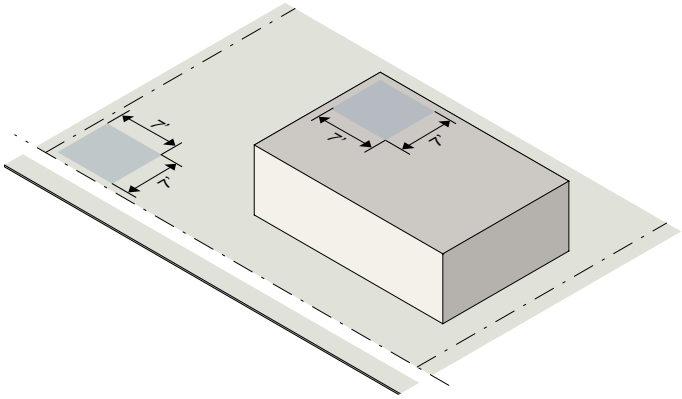
C. Outdoor Amenity Space

1. General

   Where required, outdoor amenity space must be provided on the lot and must be available as unenclosed exterior space appropriately improved for pedestrian amenity, rooftop space, or for aesthetic appeal and cannot include areas used for vehicles, except for incidental service, maintenance or emergency actions only. Outdoor amenity space may be public or private.

2. Standards

   a. Outdoor amenity space may be met in one contiguous open area or in multiple open areas on the lot; however, to receive credit, the area must be at least 7 feet in width and length, and at least 60% of the required amenity space must be located in one contiguous open area.



   b. Outdoor amenity space may be located at or above grade, except in HR-3: Corridor, where at least 50% of the required outdoor amenity space must be located at grade.

   c. Outdoor amenity space may be roofed but cannot be permanently enclosed.

   d. Outdoor amenity space cannot be parked or driven upon, except for

emergency access and permitted temporary events.

e. In calculating the minimum outdoor amenity space requirement, the following listed facilities, and any similar facilities, may be included:

i. Ground-level facilities such as a swimming pool, playground, sport court, dog park, garden, community garden, park, green, pavilion, courtyard, seating area, outdoor dining area or plaza; and

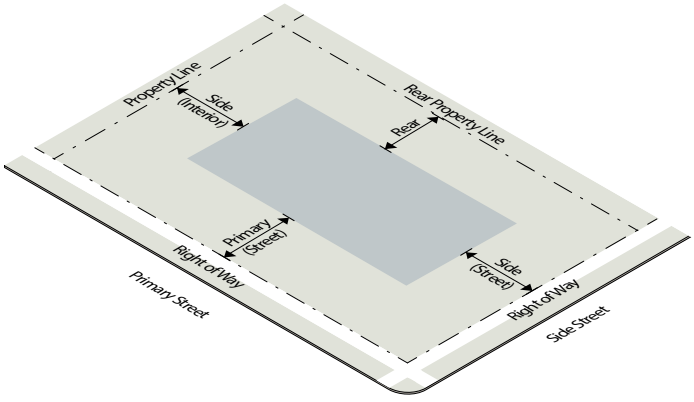
ii. Upper-level facilities such as a shared or common balcony, rooftop deck or rooftop garden.

f. A required property line buffer is not considered outdoor amenity space.

D. Building Setbacks

1. Generally

There are 4 types of setbacks – primary street, side street, side interior and rear. Building setbacks apply to both principal and accessory buildings and structures except where explicitly stated otherwise.



2. Measurement of Building Setbacks

a. The primary street setback is measured at a right angle from the primary street right-of-way line.

b. On corner lots, the side street setback is measured at a right angle from the side street right-of-way line.

c. The rear setback is measured at a right angle from the rear property line or the rear right-of-way or easement line where there is an alley. The rear property line is the property line opposite to the primary street property line.

d. All lot lines which are not primary street, side street or rear lot lines are considered side interior lot lines for the purpose of measuring setbacks. Side interior setbacks are measured at a right angle from the side property line.

3. Primary Street Designation

a. Where only one street abuts a lot, that street is considered a primary street.

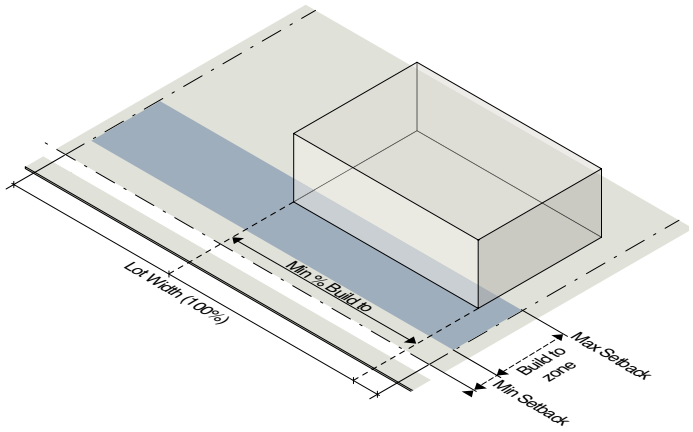
b. Where more than one street abuts a lot, Haywood Road or Patton Avenue are considered the primary street.

E. Build-to Zone (BTZ)

1. Defined

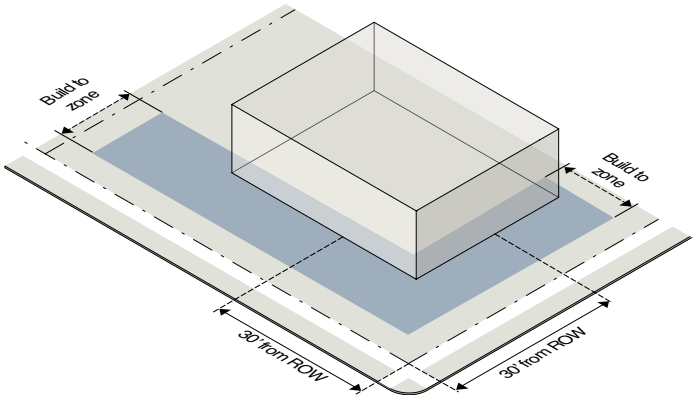
a. The build-to zone (BTZ) is the area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

b. The required percentage specifies the amount of the front building facade that must be located in the build-to zone, measured based on the width of the building divided by the width of the lot.



2. Corner Lots

On a corner lot, a building facade must be placed within the build-to zone for the first 30 feet along the street extending from the block corner, measured from the intersection of the two right-of-way lines.



3. Uses Allowed

With the exception of parking spaces and outdoor storage, all structures and uses (including outdoor dining) allowed on the lot are allowed in the build-to zone.

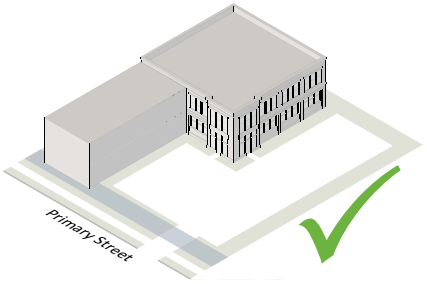
F. Nonconforming Build-to Zone

1. Additions

Expansion of an existing building which is unable to meet the build-to requirement must comply with the following nonconforming provisions:

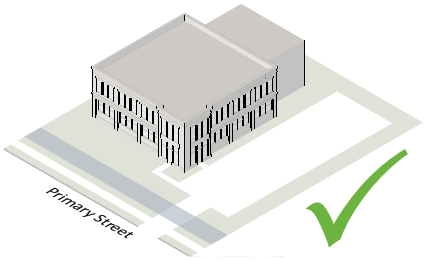
a.Front: Addition

Any addition to the front must be placed in the build-to zone; however, the addition does not have to meet the build-to percentage for the lot. A front addition is not allowed on a contributing structure in a National Register District or a structure that is eligible for historic designation (although a variance may be granted where a hardship exists, including but not limited to a conflict with the Building Code or specific purposes for the addition that make a front location the most technically (not financially) feasible option.



b. Rear: Addition

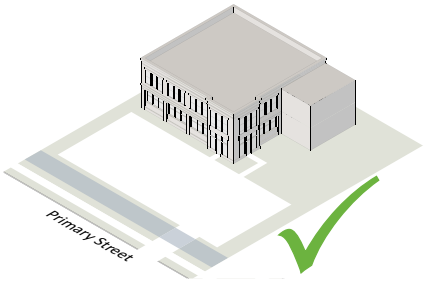
One-story or multi-story rear additions are allowed because the extension does not increase the degree of the nonconformity.



c. Side: Addition

One-story or multi-story side additions meeting the following conditions are allowed:

i. The side addition is no greater than 500 square feet in area or 20% of the existing building footprint, (whichever is greater), and is less than 50% of the existing building width measured along the primary street.



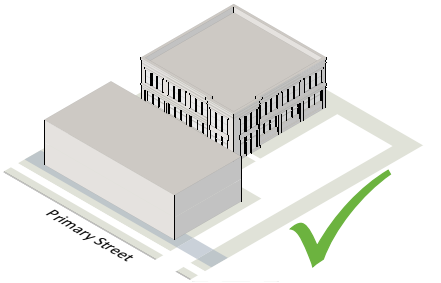
ii. In the case of a contributing structure in a National Register District (or a structure eligible for designation), the side addition can be placed no closer than 5 feet from the street-facing facade of the building.

2. New Buildings

Where a new building is being constructed on a lot or site with an existing building on it that doesn't meet the build-to requirement, the following nonconforming provisions apply.

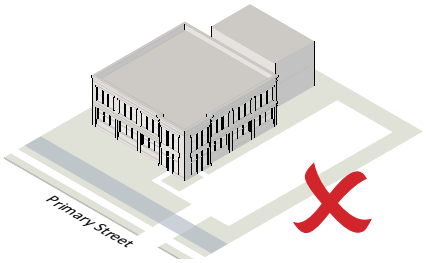
a. Front: New Building

All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.



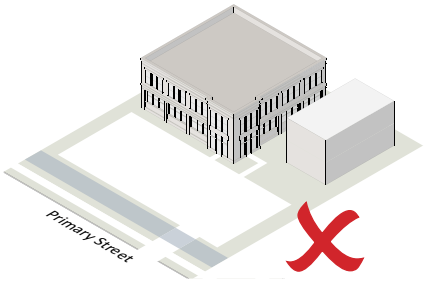
b. Rear: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



c. Side: New Building

New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.



d. Accessory Structures: New Structure

New accessory structures must be placed behind or to the side of the principal building and may not exceed 500 square feet. Outdoor dining may be placed at the front of the lot to enhance the acitivity at the sidewalk. One-story accessory structures are permitted.

G. Setback Encroachments

All buildings and structures must be located at or behind the required setbacks except as listed below. Unless specifically stated, no building or structure can extend into a required easement or public right-of-way.

1. Building Features

a. Porches, stoops, balconies, galleries and awnings/canopies can extend into a required primary street setback as stated in Sec. 2.2.R

b. Building eaves, roof overhangs, gutters, downspouts, light shelves, bay windows and oriels less than 10 feet wide, cornices, belt courses, sills, buttresses or other similar architectural features may encroach up to 3 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

c. Chimneys or flues may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.

d. Unenclosed patios, decks, balconies, stoops, porches, terraces or fire escapes may encroach into a side interior or rear setback, provided that such extension is at least 6 feet from the vertical plane of any lot line and bufferyard requirements, if any, are met.

e. Handicap ramps may encroach to the extent necessary to perform their proper function.

f. Structures below and covered by the ground may encroach into a required setback.

2. Low Impact Stormwater Features

a. Low impact stormwater management features may encroach up to 2 feet into a primary street setback (but not into the required sidewalk), including, but not limited to:

i. Rain barrels or cisterns, 6 feet or less in height;

ii. Planter boxes;

iii. Bio-retention areas; and

iv. Similar features, as determined by the City Engineer.

b. Low impact stormwater management features listed above may encroach into a side interior or rear setback, provided such extension is at least 2 feet from the vertical plane of any lot line.

3. Mechanical Equipment and Utility Lines

a. For residential buildings only, mechanical equipment such as HVAC units and security lighting, may encroach into a required rear or side interior setback, provided that such extension is at least 3 feet from the vertical plane of any lot line.

b. Minor structures accessory to utilities (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into a required rear, side interior or side street setback.

4. Other Setback Encroachments

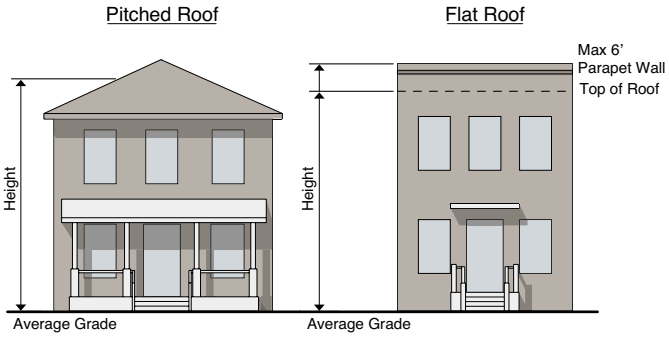
a. Fences and walls under § 7-10-3.

b. Property line buffers under Sec. 4.2.

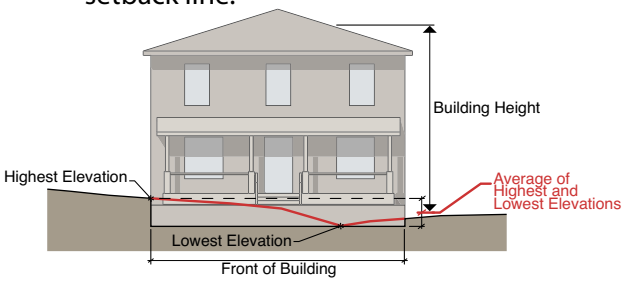
c. Signs under Sec. 4.3.

H. Building Height

1. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof, not including a maximum 6-foot high parapet wall encroachment. In no case is a parapet allowed to exceed 6 feet in height above the roof deck.

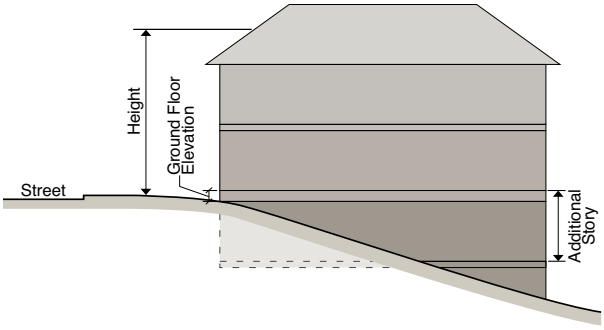


2. Average grade is determined by calculating the average of the highest and lowest elevation along natural or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback line.

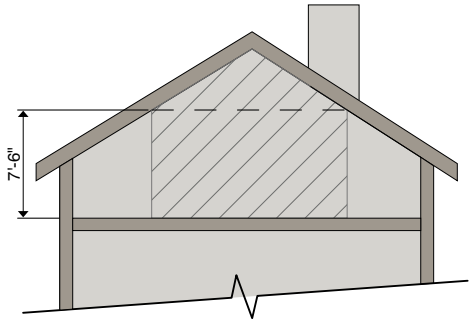


3. New principal structures must be a minimum height of 2 stories. Any second story must be finished out for occupancy.

4. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot.



5. An attic does not count as a story where 50% or more of the attic floor area has a clear height of less than 7½ feet; measured from the finished floor to the finished ceiling.



6. A basement with 50% or more of its perimeter wall area surrounded by natural grade is not considered a story.

I. Height Encroachments

Any height encroachment not listed below is prohibited.

1. The maximum height limits of the district do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks, water towers or other similar structures which, by design or function, must exceed the established height limits.

2. The following specified accessory structures, building and site features, and mechanical equipment may exceed the established height limit provided they do not exceed the maximum height by more than 6 feet:

a. Chimney, flue or vent stack;

b. Flagpole;

c. Vegetation associated with a rooftop garden or landscaping;

d. Skylights;

e. Parapet wall; and

f. Solar panels, wind turbines and rainwater collection systems.

3. The following may exceed the established height limits provided they do not exceed the maximum building height by more than 10 feet, do not occupy more than 25% of the roof area, and are set back at least 10 feet from the edge of the roof:

a. Elevator or stairway access to roof;

b. Rooftop shade structure;

c. Greenhouse; and

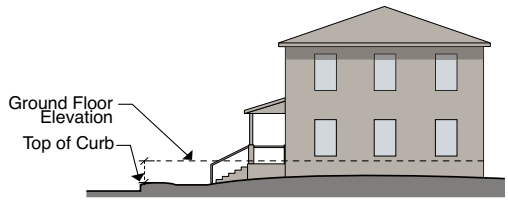
d. Mechanical equipment.

4. Any of the elements listed in paragraphs 2. and 3. above are considered accessory to the principal structure and must not be used for any purpose other than as incidental to the principal structure.

J. Ground Floor Elevation

1. Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.

2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.



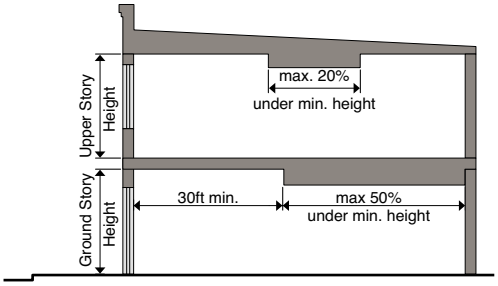
3. Ground floor elevation must meet the accessiblity requirements of the NC Building Code.

K. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.

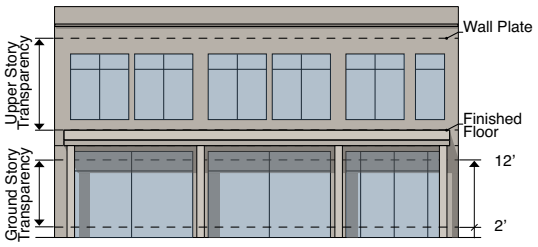
2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street-facing facade. At least 50% of the ground story must meet the minimum height provisions.

3. At least 80% of each upper story must meet the minimum upper story height provisions.



L. Transparency

1. The minimum percentage of windows and doors that must cover a ground story facade. The transparency percentage is derived by dividing the transparent area of ground story windows and doors between 2 and 12 feet above the adjacent sidewalk by the total area of the ground story facade along the primary or side street.



2. The minimum transparency percentage of windows and doors that must cover an upper story facade is measured from top of

the finished floor to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate. The percentage is derived for each upper story based on the transparent area of upper story windows and doors divided by the total area of the upper story facade.

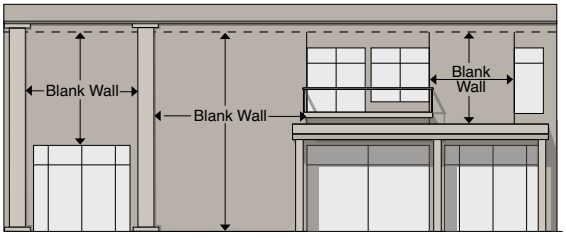
3. Transparency applies to primary and side street-facing facades only.

4. Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

5. An opening to a parking garage is not considered transparency. Any clear glass in a garage door for a restaurant or entertainment use (and not for loading purposes) is considered transparent.

M. Blank Wall Area

1. Blank wall area means a portion of the exterior facade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change). The same material used in a different pattern does not constitute a substantial material change.

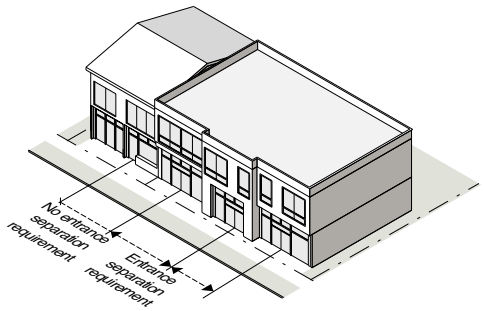


2. Blank wall area applies in both a vertical and horizontal direction and to ground and upper story primary and side street-facing facades.

N. Pedestrian Access

1. An entrance providing both ingress and egress, operable to residents or customers at all times during operating hours, is required to meet the street-facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.

2. The entrance spacing requirements must be met for each building, but are not applicable to adjacent buildings.



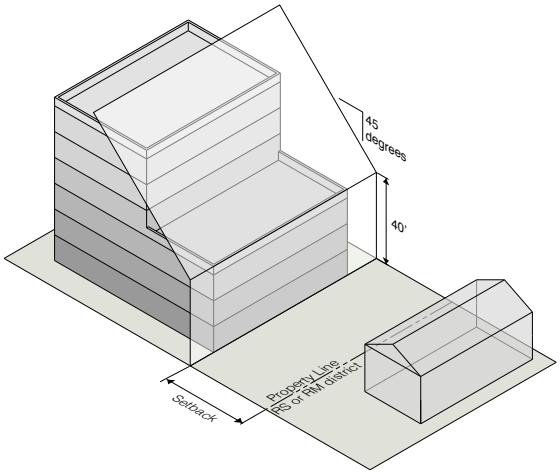
3. Doors are not permitted to swing into public rights-of-way.

4. An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.

O. Neighborhood Compatibility

1. Building Stepback

a. A building stepback is required when form district property is abutting an RS or RM district. When abutting an RS or RM district, a building must not extend into a 45-degree angular plane projecting over the subject property measured from a height of 40 feet at the side interior or rear setback line. One foot of additional setback is required for every foot of height above 40 feet.



b. The building stepback ends at any public street (not including an alley) or 150 feet from the RS or RM district property line, whichever is less.

2. Property Line Buffer

A property line buffer meeting the standards of Sec. 4.2 is required where a Haywood Road Form District abuts a RS or RM district.

P. Building Materials

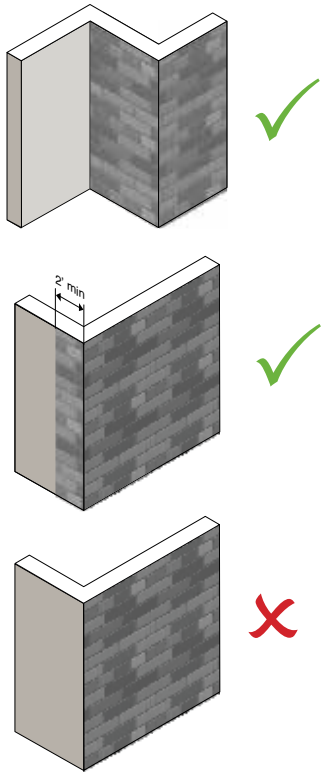
1. Applicability

The following requirements apply to all street-facing facades of a building.

2. Use of Materials

a. Traditional materials such as brick, terra-cotta, natural stone, cast stone, metal, glass, concrete are preferred for new construction and renovations. Non-traditional materials such as unpainted rough-sawn wood and materials with a rustic image are used carefully and in ways that relate to their traditional context. The use of modern sustainable or green materials may justify deviations from the use of traditional materials. Synthetic finishing system materials are not permitted at the ground or street level.

b. Primary material changes must occur at inside corners or where they wrap around an outside corner a minimum of 2 feet.



c. When using more than one primary material in a facade, one is required as the main theme, with the others acting only to complement and accentuate the design.

d. Openings in masonry facades should express a structural lintel or arch to show how they are carrying the weight above.

Q. Streets, Sidewalks and Driveways

1. If an appropriate width sidewalk and street trees do not exist or do not meet the sub-district requirements, the developer is responsible for installation sidewalk and street trees as shown in Sec. 2.3 through Sec. 2.6. Modified dimensions may be approved by the City Traffic Engineer to account for existing street widths and building locations.

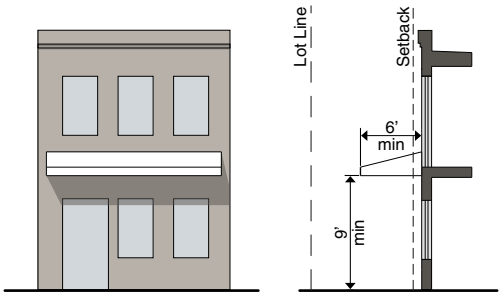
2. The required sidewalk may be wholly or partially located on private property, provided the sidewalk is located within an easement permanently dedicated to the City.

3. Where vehicular access is provided to a site, it must occur from a side street and not from Haywood Road, unless this option is determined infeasible by the City Traffic Engineer. For sites that must be accessed from Haywood Road, no more than one driveway is allowed with a maximum width of 24 feet.

4. The City Traffic Engineer may require the closure of existing curb cuts on Haywood Road where proposed site and building improvements exceed 75% of the appraised value of the existing improvements (as determined by Buncombe County Tax Assessor or by an MAI-certified real estate appraiser) and alternatives to access from Haywood Road are available.

R. Building Elements

Individual building elements are allowed for by sub-district (see Sec. 2.3 through Sec. 2.6)



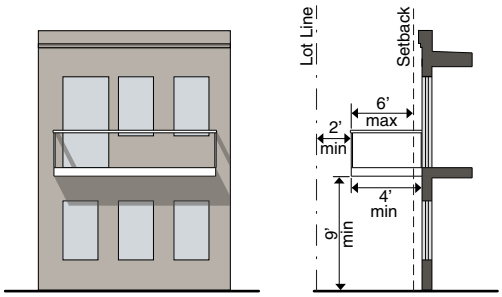
1. Awning/Canopy

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

a. An awning/canopy must be a minimum of 9 feet clear height above the sidewalk and must have a minimum depth of 6 feet. The Planning and Development Director may approve a modification to these standards in order to fit an awning or canopy on an existing building.

b. An awning/canopy may extend into a required setback above private property.

c. An awning/canopy may encroach up to 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City or DOT approval, based on the ownership of the right-of-way.



2. Balcony

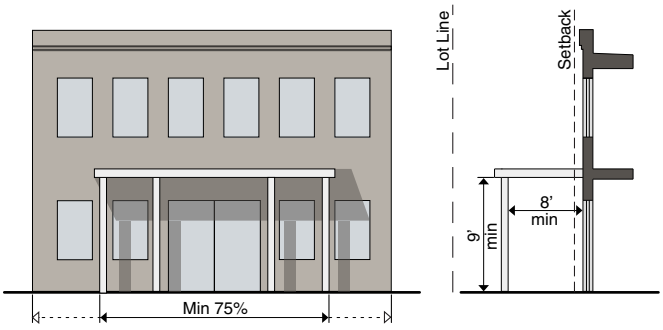
A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

a. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

b. A balcony must have a clear height above the sidewalk of at least 9 feet.

c. A balcony may be covered and screened, but cannot be fully enclosed.

d. A balcony may encroach up to 6 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City or DOT approval, based on the ownership of the right-of-way.



3. Gallery

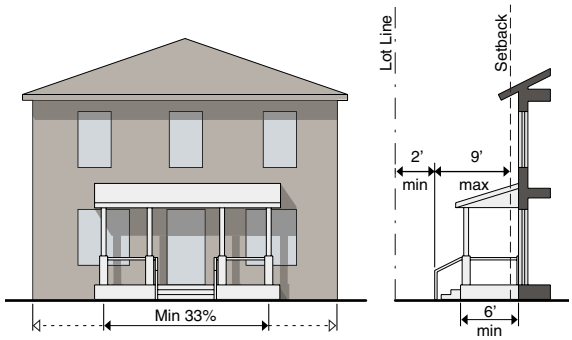
A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.

a. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 9 feet.

b. A gallery must be contiguous and extend over at least 75% of the width of the building facade from which it projects.

c. A gallery may extend into a required setback.

d. A gallery may encroach up 9 feet into the public right-of-way but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater. The encroachment requires City or DOT approval, based on the ownership of the right-of-way.



4. Front Porch

A raised structure attached to a building, forming a covered entrance to a doorway.

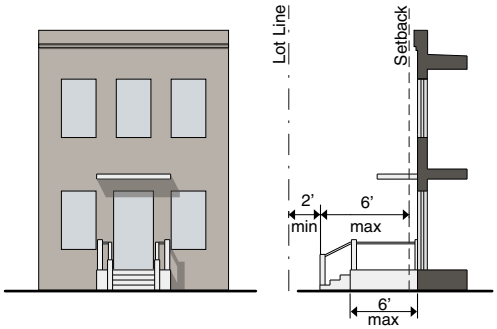
a. A front porch must be at least 6 feet deep (not including the steps).

b. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.

c. A front porch must be roofed and may be screened, but cannot be fully enclosed.

d. A front porch may extend up to 9 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

e. A front porch may not encroach into the public right-of-way.



5. Stoop

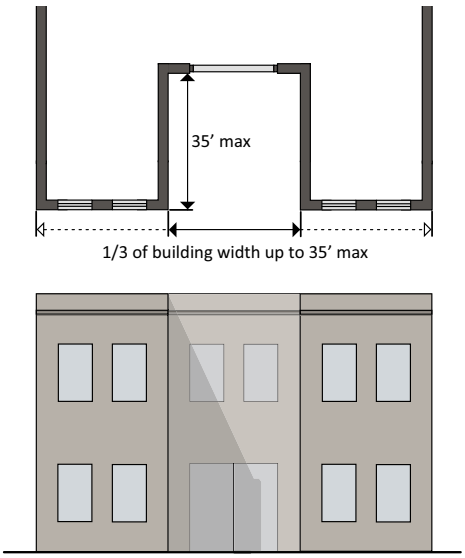
A small raised platform that serves as an entrance to a building.

a. A stoop must be no more than 6 feet deep (not including the steps) and 6 feet wide.

b. A stoop may be covered but cannot be fully enclosed (must not be screened in).

c. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.

d. A stoop may not encroach into the public right-of-way.



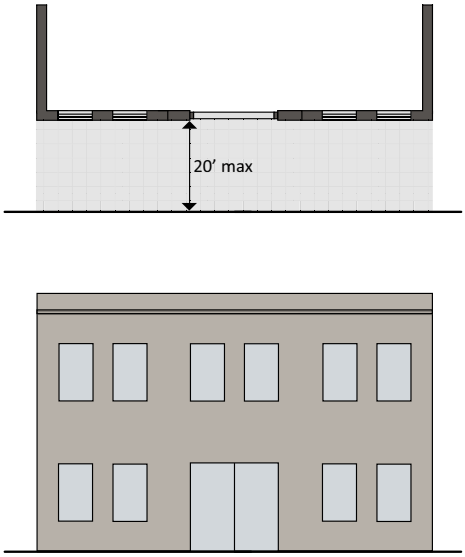
6. Courtyard

An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area, that does not extend across the full length of building.

a. A courtyard must be no more than one-third of the length of the building face, and in no case longer than 35 feet in width.

b. A courtyard may be no more than 35 feet in depth.

c. A courtyard is considered as part of the building for the purpose of measuring the build-to zone.



7. Forecourt

   An open area at grade, or within 30 inches of grade, that serves as an open space, plaza or outdoor dining area that extends across the full length of building.

   a. A forecourt may be placed in front of a building, provided that it extends no more than 20 feet in depth.

   b. A forecourt extends the depth of the build-to zone in an amount equal to the courtyard depth.

   c. A forecourt of at least 10 feet in depth satisfies the building stepback requirement above the second floor (where applicable).

   d. A forecourt may extend the entire width of the lot.

   e. A forecourt may also be located internal to the lot, adjacent to one or more sides of the building.

PURPOSE AND INTENT

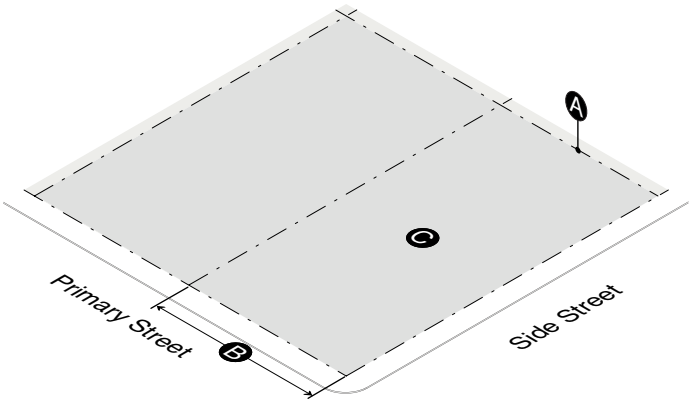
The HR-1: Core sub-district is intended to preserve existing buildings and to maintain the historic character of the two traditional centers on Haywood Road. Existing buildings should be reused where possible and new infill buildings should respect the existing form and context. Height requirements are set to ensure that existing buildings can compete successfully with new infill buildings. Buildings in the HR-1: Core sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors.

STREET CROSS-SECTION

Width	
A Pavement width	44'
B Crossing distance	28'
Streetscape	
C Sidewalk (min)	8'
D Parking lane/bump-out	8'
Travelway	
E Travel lane with sharrow	14'

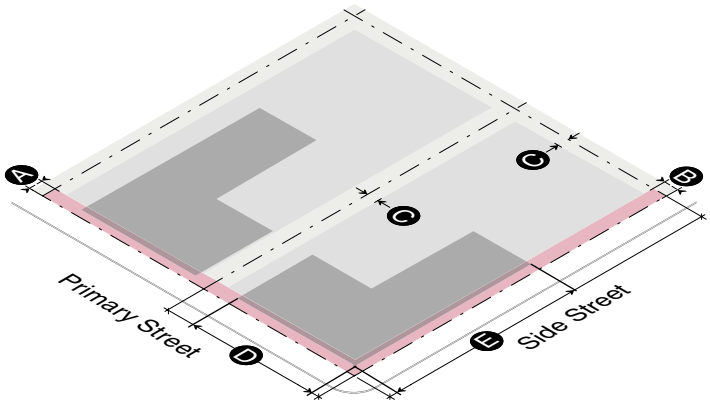
Specifications	
Walkway type	Sidewalk
Planting type	Trees in bump-outs
Parking type	Parallel
Bike lane type	Shared

1. LOT CRITERIA



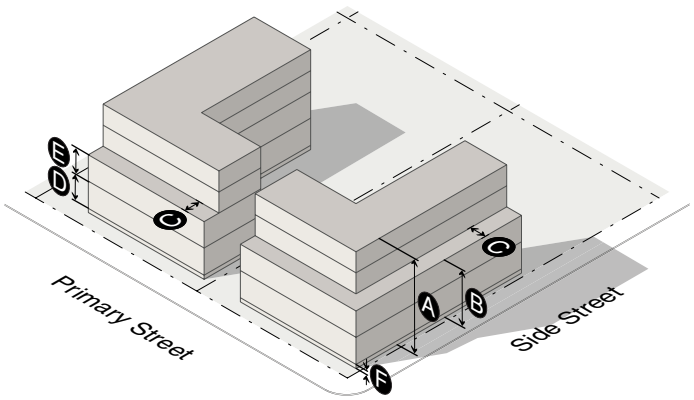
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	100%
Ⓓ Outdoor amenity space (min)	0%

2. SITING



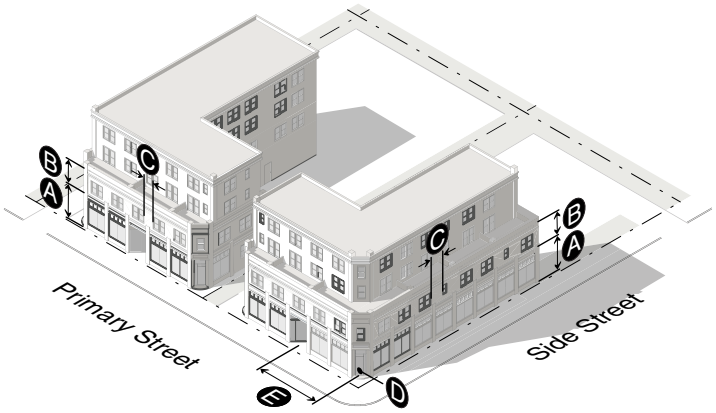
Building Setbacks	
Ⓐ Primary street (min/max)	0'/5'
Ⓑ Side street (min/max)	0'/5'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	90%
Ⓔ Building facade in side street BTZ (min % of lot width)	45%
Parking Location	
No on-site parking between building and street	

3. HEIGHT



Building Height		
Ⓐ	Building height, max. stories/max.feet	4/55'
Ⓑ	Building height, min. stories/max. ft.	2/30'
	Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
Ⓒ	Building stepback above 2nd story (min)	10'
	For sites with a contributing structure in a National Register District (or one that is eligible for historic designation) and the first 10 feet of the street-facing facade of the structure is retained and incorporated into the new development, the stepback may take place at either the first or second story.	
Story Height		
Ⓓ	Ground story height (min)	12'
Ⓔ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓕ	Ground floor elevation (min/max)	0'/2'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary/side (min)	60%/30%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	15'/30'
	A minimum of 70% of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least 8 feet. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space).	
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Awning/canopy, balcony, forecourt, courtyard	

PURPOSE AND INTENT

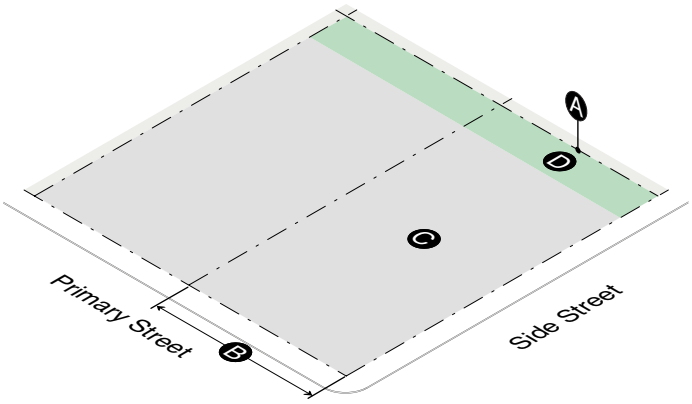
The HR-2: Expansion sub-district is intended to extend the urban character of the Core. New buildings are encouraged in this sub-district. Since the majority of this area can be expected to redevelop, new buildings are allowed to be taller than in the Core. Mixed-use buildings in the HR-2: Expansion sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Residential buildings are set slightly further back from the street. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors of mixed use buildings, and a totally residential building is also allowed.

STREET CROSS-SECTION

Width	
A Pavement width	49'
B Crossing distance	33'
Streetscape	
C Sidewalk (min)	10'
D Parking lane/bump-out	8'
Travelway	
E Bike lane	5'
F Travel lane	11.5'

Specifications	
Walkway type	Sidewalk
Planting type	Trees in grates or bump-outs
Parking type	Parallel
Bike lane type	Striped lane

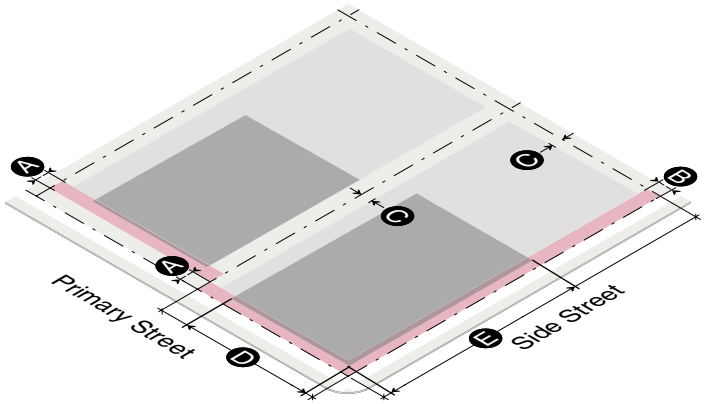
1. LOT CRITERIA



Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'

Lot Parameters	
Ⓒ Building coverage (max)	90%
Ⓓ Outdoor amenity space (min)	10%

2. SITING

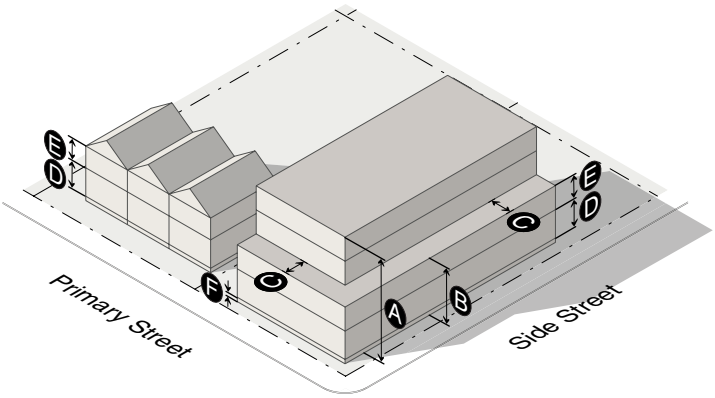


Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓑ Side street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'

Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	80%
Ⓔ Building facade in side street BTZ (min % of lot width)	40%

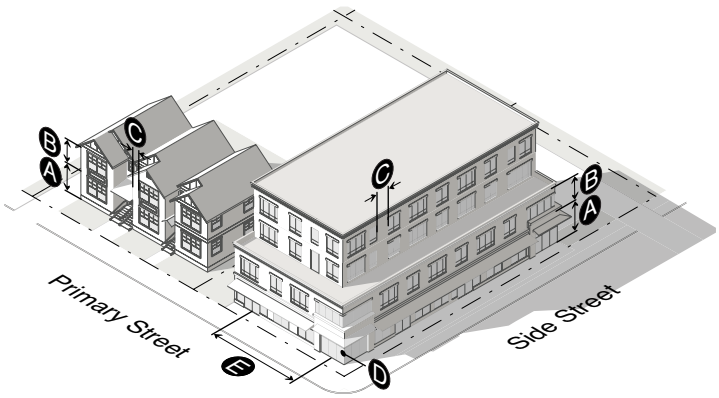
Parking Location
No on-site parking between building and street
Garage doors cannot face Haywood Road

3. HEIGHT



Building Height		
Ⓐ	Building height, stories max./feet max.	4/55'
Ⓑ	Building height, stories min./feet max.	2/30'
	Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
Ⓒ	Building stepback above 2nd story (min)	10'
	For sites with a contributing structure in a National Register District (or one that is eligible for historic designation) and the first 10 feet of the street-facing facade of the structure is retained and incorporated into the new development, the stepback may take place at either the first or second story.	
Story Height		
Ⓓ	Ground story height (min)	
	Residential	10'
	Nonresidential	12'
Ⓔ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓕ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/2'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary/side (min)	
	Residential	20%/20%
	Nonresidential	60%/30%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Residential	30'/30'
	Nonresidential	15'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Residential: awning/canopy, balcony, front porch, stoop	
	Nonresidential: awning/canopy, balcony, forecourt, courtyard	

PURPOSE AND INTENT

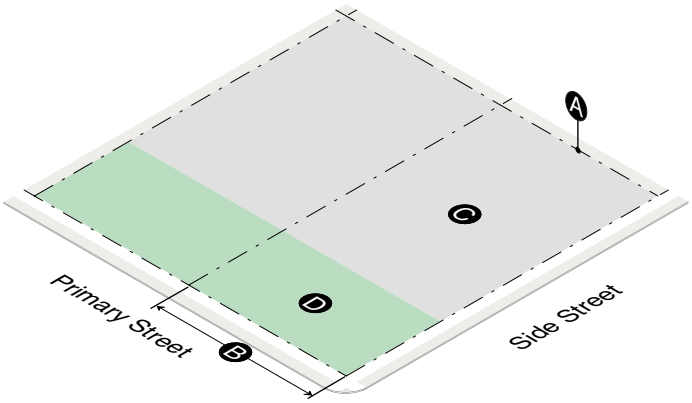
The HR-3: Corridor sub-district is intended to provide a green frontage along Haywood Road to provide relief from the urban areas of the Core and Expansion sub-districts. Existing buildings should be reused where possible and new infill buildings should respect the traditional form and context. Buildings in the HR-3: Corridor sub-district with active ground floors are pulled up to the sidewalk to encourage pedestrian activity in the area. Residential buildings are set slightly further back from the street, providing a green edge along Haywood Road. A variety of uses are allowed in this sub-district, with a focus on residential and office uses.

STREET CROSS-SECTION

Width	
A Pavement width	40'
B Crossing distance	24'
Streetscape	
C Sidewalk (min)	8'
D Parking lane/bump-out	8'
Travelway	
E Travel lane with sharrow	12'

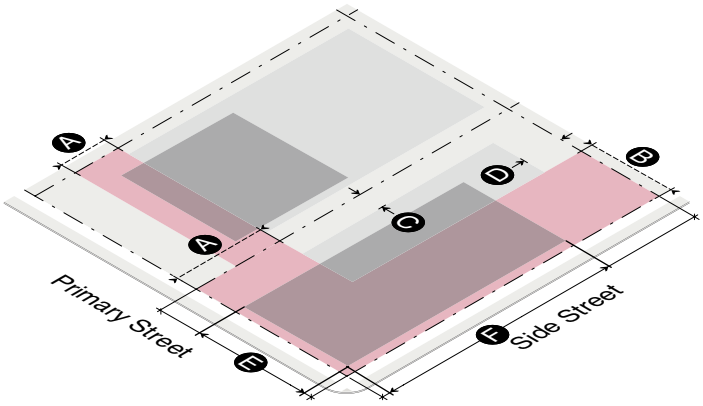
Specifications	
Walkway type	Sidewalk
Planting type	Trees in bump-outs or residential front yards
Parking type	Parallel
Bike lane type	Shared

1. LOT CRITERIA



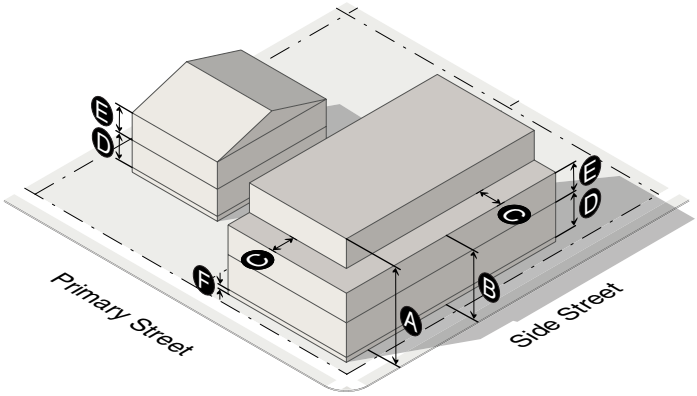
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	70%
Ⓓ Outdoor amenity space (min)	30%

2. SITING



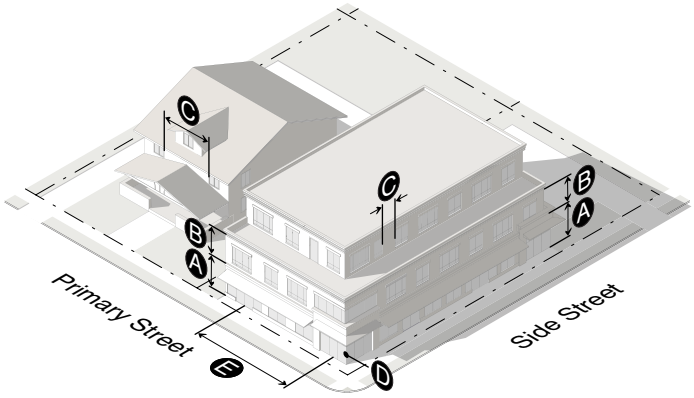
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	15'/30'
Nonresidential	0'/30'
Ⓑ Side street (min/max)	
Residential	10'/30'
Nonresidential	0'/30'
Ⓒ Side interior (min)	10'
Side interior, abutting RS, RM (min)	15'
Ⓓ Rear (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓔ Building facade in primary street BTZ (min % of lot width)	60%
Ⓕ Building facade in side street BTZ (min % of lot width)	30%
Parking Location	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



Building Height		
Ⓐ	Building height, stories max./feet max.	3/45'
Ⓑ	Building height, stories min./feet max.	2/30'
Ⓒ	Building stepback above 2nd story (min)	
	10' or less from front property line	10'
	Over 10' from front property line	Not required
Story Height		
Ⓓ	Ground story height (min)	10'
Ⓔ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓕ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/4'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary/side (min)	
	Facade ≤15' from ROW line	40%/20%
	Facade >15' from ROW line	20%/20%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Facade ≤15' from ROW line	15'/30'
	Facade >15' from ROW line	30'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Awning/canopy, balcony, front porch, stoop	

PURPOSE AND INTENT

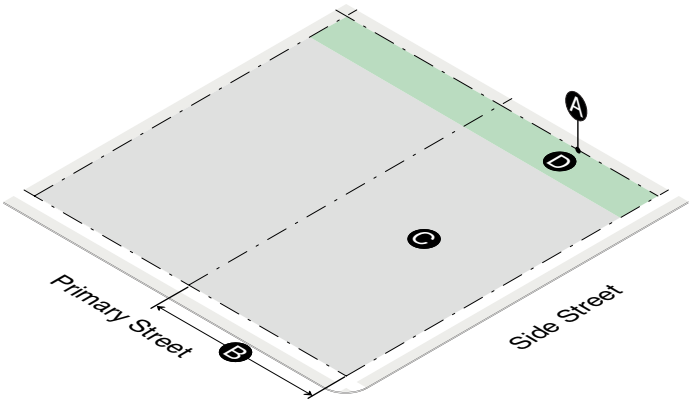
The HR-4: Traditional sub-district is intended to preserve existing buildings and to expand the historic character this center on Haywood Road. Existing buildings should be reused where possible and new infill buildings should respect the traditional form and context. Height requirements are set to ensure that existing buildings can compete successfully with new infill buildings. Buildings in the HR-4: Traditional sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors of mixed use buildings, and a totally residential building is also allowed.

STREET CROSS-SECTION

Width	
A Pavement width	29'
A Crossing distance	29'
Streetscape	
B Sidewalk (min)	6'
Travelway	
C Bike lane (one side uphill)	5'
D Travel lane	12'

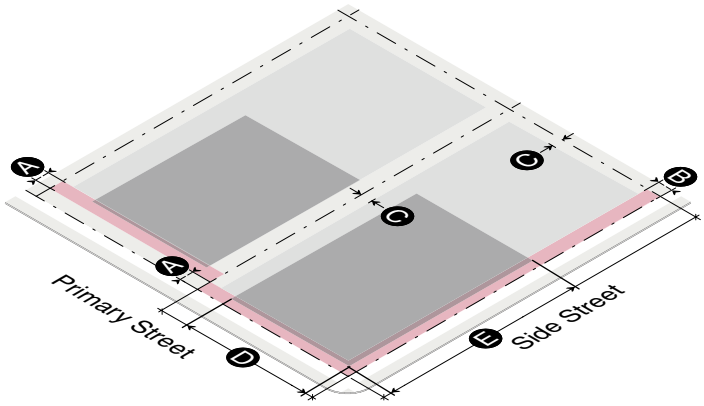
Specifications	
Walkway type	Sidewalk
Planting type	--
Parking type	--
Bike lane type	Striped lane

1. LOT CRITERIA



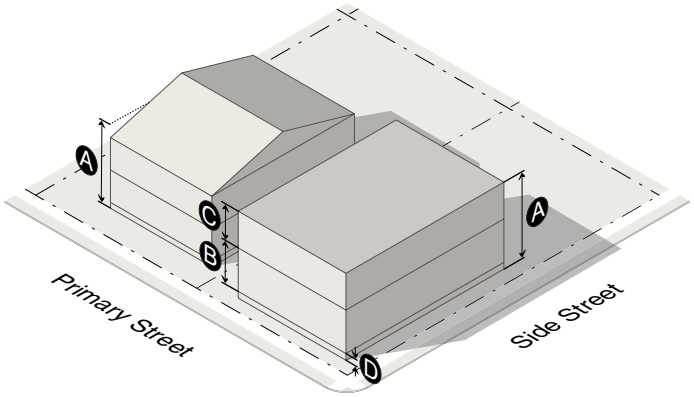
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	90%
Ⓓ Outdoor amenity space (min)	10%

2. SITING



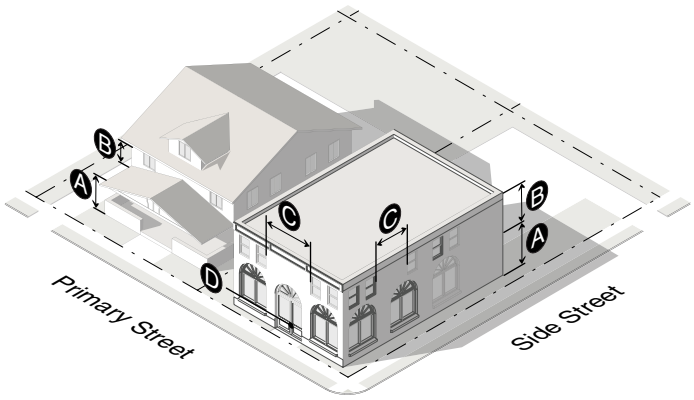
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓑ Side street (min/max)	
Residential	5'/10'
Nonresidential	0'/5'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	70%
Ⓔ Building facade in side street BTZ (min % of lot width)	35%
Parking Location	
Off-street only	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



Building Height		
Ⓐ	Building height, stories min./feet max.	2/35'
Story Height		
Ⓑ	Ground story height (min)	
	Residential	10'
	Nonresidential	12'
Ⓒ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓓ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/2'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary/side (min)	
	Residential	20%/20%
	Nonresidential	60%/30%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Residential	30'/30'
	Nonresidential	15'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Residential: awning/canopy, balcony, front porch, stoop	
	Nonresidential: awning/canopy, balcony, forecourt, courtyard	

PURPOSE AND INTENT

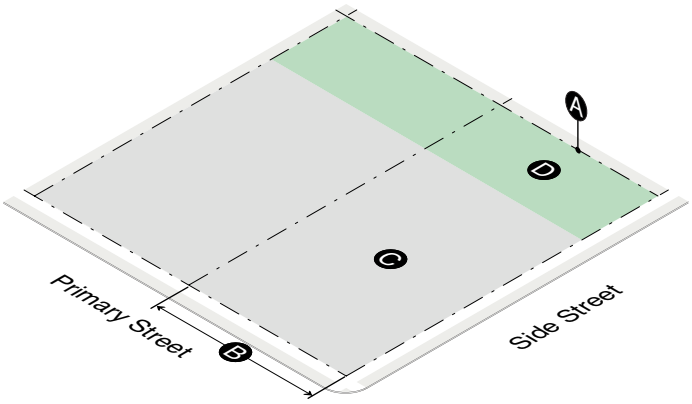
The HR-5: Live-Work sub-district is intended for new residential or live-work buildings that address and conform to the steep topography of the area. Live-work buildings in the HR-5: Live-Work sub-district are pulled up to the sidewalk to encourage pedestrian activity in the area. Residential buildings are set slightly further back from the street. A variety of live-work and residential uses are allowed in this sub-district.

STREET CROSS-SECTION

Width		
Ⓐ	Pavement width	29'
Ⓐ	Crossing distance	29'
Streetscape		
Ⓑ	Sidewalk (min)	6'
Ⓒ	Planting area	5'
Travelway		
Ⓓ	Bike lane (one side uphill)	5'
Ⓔ	Travel lane	12'

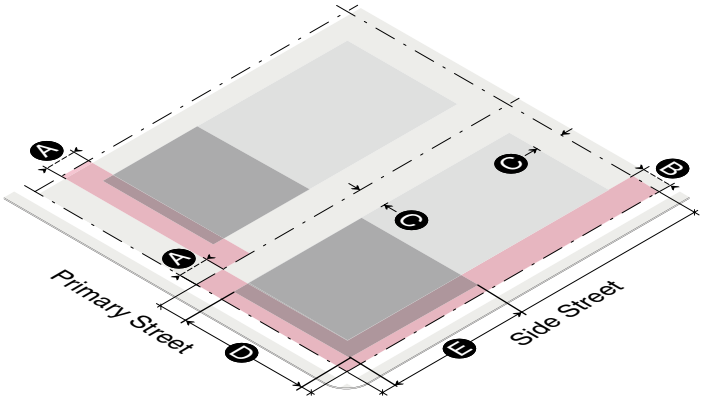
Specifications	
Walkway type	Sidewalk
Planting type	Trees in verge or residential front yards
Parking type	--
Bike lane type	Striped lane

1. LOT CRITERIA



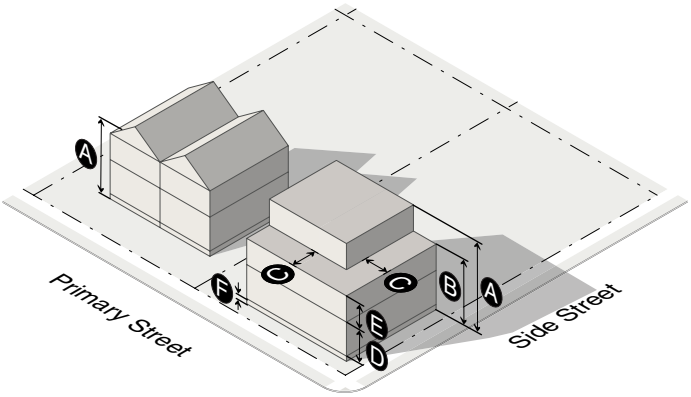
Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'
Lot Parameters	
Ⓒ Building coverage (max)	80%
Ⓓ Outdoor amenity space (min)	20%

2. SITING



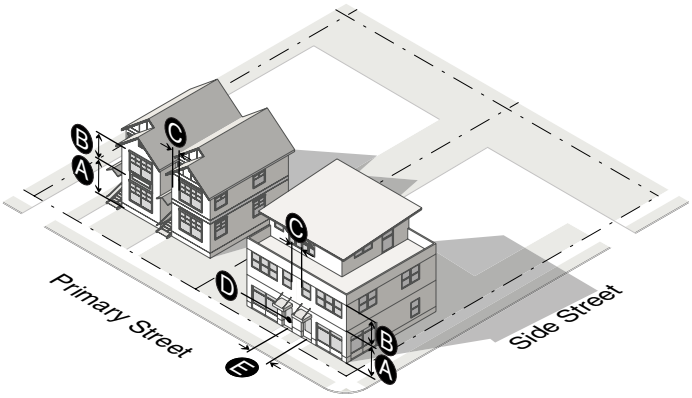
Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	10'/20'
Live-work	0'/10'
Ⓑ Side street (min)	
Residential	10'
Live-work	0'
Ⓒ Rear or side interior (min)	0'
Rear or side abutting alley (min)	5'
Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	70%
Ⓔ Building facade in side street BTZ (min % of lot width)	35%
Parking Location	
Off-street only	
No on-site parking between building and street	
Garage doors cannot face Haywood Road	

3. HEIGHT



Building Height		
Ⓐ	Building height, stories max/feet max	3/45'
Ⓑ	Building height, stories min/feet max	2/30'
Ⓒ	Building stepback above 2nd story (min)	
	10' or less from front property line	10'
	Over 10' from front property line	Not required
Story Height		
Ⓓ	Ground story height (min)	
	Residential	10'
	Live-work	12'
Ⓔ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓕ	Ground floor elevation (min/max)	
	Residential	0'/8'
	Live-work	0'/4'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary (min)	
	Residential	20%
	Live-work	40%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary (max)	
	Residential	30'
	Live-work	15'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Residential: awning/canopy, balcony, front porch, stoop	
	Live-work: awning/canopy, balcony, front porch, stoop, courtyard	

PURPOSE AND INTENT

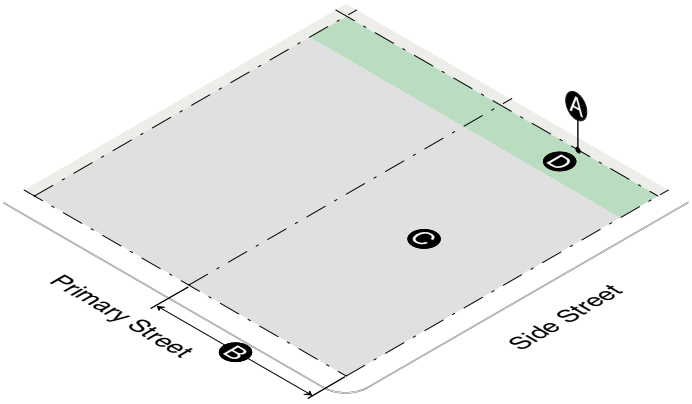
The HR-6: Town sub-district is intended to provide a new center of activity where Haywood Road meets Patton Avenue. Redevelopment with new, taller buildings is encouraged in this sub-district in order to take advantage of the spectacular views afforded by this hilltop location. Mixed-use buildings in the HR-6: Town sub-district are pulled up to the sidewalk along Haywood Road to encourage pedestrian activity in the area. Buildings along Patton Avenue may be pulled back to allow limited parking between the building and the street. Mixed use is encouraged, and a variety of commercial uses are allowed on the ground floor. Residential and office uses are allowed in upper floors of mixed use buildings.

STREET CROSS-SECTION

Width	
A Pavement width	30'
A Crossing distance	30'
Streetscape	
B Sidewalk (min)	8'
C Planting area	5'
Travelway	
D Bike lane	5'
E Travel lane	10'

Specifications	
Walkway type	Sidewalk
Planting type	Trees in grates or bump-outs
Parking type	--
Bike lane type	Striped lane

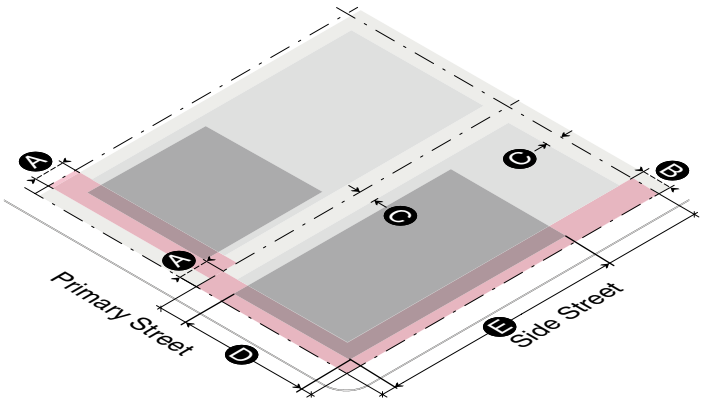
1. LOT CRITERIA



Lot Dimensions	
Ⓐ Lot area (min)	0'
Ⓑ Lot width (min)	0'

Lot Parameters	
Ⓒ Building coverage (max)	80%
Ⓓ Outdoor amenity space (min)	20%

2. SITING

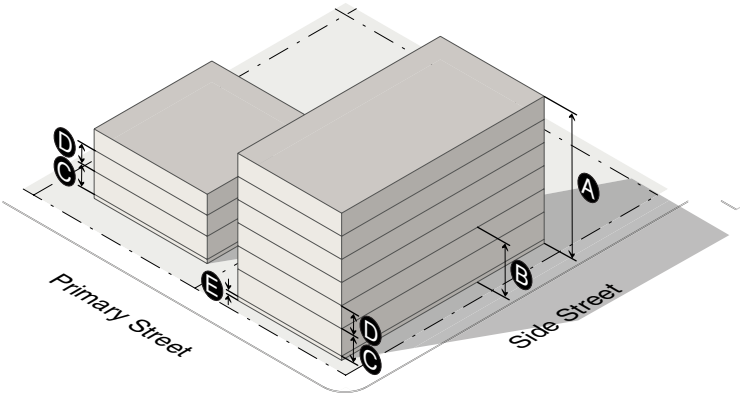


Building Setbacks	
Ⓐ Primary street (min/max)	
Residential	5'/15'
Nonresidential	0'/10'
Patton Avenue exemption	0'/85'
Ⓑ Side street (min/max)	
Residential	5'/15'
Nonresidential	0'/10'
Ⓒ Rear or side interior (min)	0'
Rear or side interior abutting RS, RM (min)	15'
Rear or side abutting alley (min)	5'

Build-to Zone (BTZ)	
Ⓓ Building facade in primary street BTZ (min % of lot width)	80%
Ⓔ Building facade in side street BTZ (min % of lot width)	40%

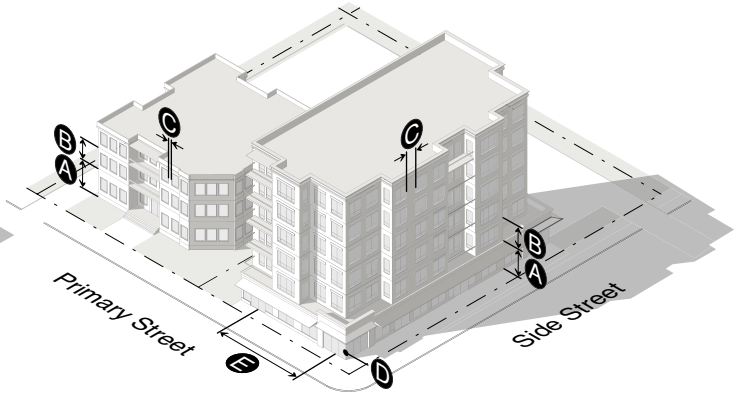
Parking Location
No on-site parking between building and street, except on Patton Avenue, where max. 2 bays of on-site parking with single drive aisle is allowed
Garage doors cannot face Haywood Road

3. HEIGHT



Building Height		
Ⓐ	Building height, stories max./feet max.	6/80'
Ⓑ	Building height, stories min./feet max.	2/30'
	Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
Story Height		
Ⓒ	Ground story height (min)	
	Residential	10'
	Nonresidential	12'
Ⓓ	Upper story height (min)	9'
Ground Floor Elevation		
Ⓔ	Ground floor elevation (min/max)	
	Residential	2'/4'
	Nonresidential	0'/2'

4. ACTIVATION



Transparency		
Ⓐ	Ground story, primary/side (min)	
	Residential	20%/20%
	Nonresidential	60%/30%
Ⓑ	Upper story (min)	20%
Ⓒ	Blank wall area, primary/side (max)	
	Residential	30'/30'
	Nonresidential	15'/30'
Pedestrian Access		
Ⓓ	Entrance facing primary street	Required
Ⓔ	Entrance spacing along primary street (max)	50'
Building Elements Allowed		
	Residential: awning/canopy, balcony, front porch, stoop	
	Nonresidential: awning/canopy, balcony, gallery, forecourt, courtyard	

This section establishes the uses allowed. A lot or building must be occupied with only the uses allowed in this section. Any one or more allowed uses may be established on a lot, subject to the requirements of this section, and in compliance with all applicable requirements of this Haywood Road Form District.

A. Principal Uses

1. Allowed principal uses by sub-district are shown in the permitted use table in Sec. 3.2.
2. Any use not listed is not allowed unless the Planning and Development Director determines that the use is similar to a listed use. Prohibited uses found in the Table of Uses in 7-8-1d of this chapter also apply to the Haywood Road Form District.
3. When determining whether a proposed use is similar to a listed use, the Planning and Development Director will consider the following:
    a. The actual or projected characteristics of the proposed use.
    b. The relative amount of site area or floor area and equipment devoted to the proposed use.
    c. Relative amounts of sales.
    d. The customer type.
    e. The relative number of employees.
    f. Hours of operation.
    g. Building and site arrangement.
    h. Types of vehicles used and their parking requirements.
    i. The number of vehicle trips generated.
    j. How the proposed use is advertised.
    k. The likely impact on surrounding properties.
    l. Whether the activity is likely to be found independent of the other activities on the site.
4. Where a use is determined not to be similar to any listed use, a text amendment is required prior to establishment of that use.

B. Accessory Uses

1. Accessory uses and structures are permitted in conjunction with an allowed principal use. Accessory uses and structures must be accessory and clearly and customarily incidental and subordinate to a permitted principal use or structure.
2. No accessory use or structure may be established prior to the establishment of a permitted principal use or structure.
3. All accessory structures must meet the requirements of Sec. 2.0.
4. The Planning and Development Director is authorized to determine when a use or structure is accessory. In order to classify a use or structure as accessory, the Planning and Development Director must determine that the use or structure:
    a. Is subordinate to the principal use in terms of area, extent and purpose;
    b. Contributes to the comfort, convenience or necessity of occupants of the principal use or structure served;
    c. Is located on the same lot as the principal use or structure, or on a contiguous lot in the same ownership;
    d. Does not involve operations not in keeping with the character of the principal use or structure served; and
    e. Is not of a nature likely to attract visitors in larger numbers than would normally be expected for the principal use or structure.

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
Residential							
Dwelling, single family detached	--	--	P	--	P		
Dwelling, townhouse	--	P	P	P	P	P	
Dwelling, multifamily	--	P	P	P	P	P	
Dwelling, upper-story	P	P	P	P	P	P	
Assisted living facility	--	P	P	P	--	P	
Dormitory	--	P	P	P	--	P	
Group home	--	P	P	P	--	P	
Public and Institutional							
Civic, social service or fraternal organizations	--	P	P	P	--	P	
College, university, vocational or technical school	--	P	P	P	--	P	
Community center	--	P	P	P	P	P	
Day-care center, adult or child	P	P	P	P	--	P	
Fire or police station	P	P	P	P	P	P	
Government building and use	P	P	P	P	--	P	
Library, museum	P	P	P	P	--	P	
Park, playground, greenway	P	P	P	P	P	P	
Performance center	P	P	P	P	--	P	
Place of worship	P	P	P	P	P	P	
Post office without distribution facility	P	P	P	P	--	P	
Public utility and related facility	P	P	P	P	P	P	
School	P	P	P	P	P	P	
Food, Beverage and Entertainment							
Eating/drinking establishment	P	P	P	P	--	P	
Eating/drinking establishment with drive-through	--	--	--	--	--	S	Sec. 3.3.A
Microbrewery	P	P	P	P	--	P	
Movie theater	P	P	P	P	--	P	
Nightclub	P	P	P	P	--	P	
Recreational uses, commercial indoor	P	P	P	P	--	P	

KEY: P = Permitted Use S= Permitted Use Subject to Special Standards C = Conditional Use -- = Use Not Permitted

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
Lodging							
Bed and breakfast inn	--	P	P	P	S	P	§ 7-16-1(c)(10)
Boarding house	--	P	P	P	--	P	
Homestay	--	P	P	P	S	P	§ 7-16-1(c)(9)
Lodging facility	P	P	P	P	--	P	
Retail, Service and Office							
Art gallery	P	P	P	P	S	P	Sec. 3.3.B
Barber shop or beauty salon	P	P	P	P	S	P	Sec. 3.3.B
Business incubator	P	P	P	P	S	P	Sec. 3.3.B
Clinic, medical	P	P	P	P	--	P	
Clinic, veterinary	P	P	P	P	--	P	
Farm products market, flea market	P	P	P	P	--	P	
Financial Institution	P	P	P	P	--	P	
Financial Institution with drive-through	--	--	S	--	--	S	Sec. 3.3.A
Funeral establishment	S	S	S	S	--	S	§ 7-16-1(c)(33)
Gasoline sales	--	--	C	--	--	C	
Grocery store	P	P	P	P	--	P	
Hardware, garden supply store	P	P	P	P	--	P	
Health or fitness facility	P	P	P	P	--	P	
Hospital or medical center	--	P	P	P	--	P	
Instructional services	P	P	P	P	--	P	
Laundry or dry cleaning	P	P	P	P	--	P	
Laundry or dry cleaning with drive-through	--	--	--	--	--	P	Sec. 3.3.A
Motor vehicle or boat service and repair	--	P	P	P	--	--	
Motor vehicle service facility	--	P	P	P	--	P	
Office	P	P	P	P	S	P	Sec. 3.3.B
Pharmacy	P	P	P	P	--	P	
Pharmacy with drive-through	--	--	S	--	--	S	Sec. 3.3.A
Plant sales, nursery, greenhouse	P	P	P	P	--	P	
Print and publishing	P	P	P	P	S	P	Sec. 3.3.B
Research & technology production uses	P	P	P	P	--	P	
Retail sales	P	P	P	P	S	P	Sec. 3.3.B

KEY: P = Permitted Use S= Permitted Use Subject to Special Standards C = Conditional Use -- = Use Not Permitted

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6	Special Standards
Small engine service and repair	--	P	P	P	--	--	
Studio, gallery or workshop for arts and crafts, low impact	P	P	P	P	S	P	Sec. 3.3.B
Studio, gallery or workshop for arts and crafts, high impact	P	P	P	P	--	P	
Tailor or dressmaker	P	P	P	P	--	P	
Tattoo parlor	P	P	P	P	--	P	
Other Use Types							
Agriculture	S	S	S	S	S	S	§ 7-16-1(c)(4.1)
Light industrial	P	P	P	P	--	P	
Live work units	S	S	S	S	S	S	Sec. 3.3.B
Parking deck, garage, structure	S	S	S	S	S	S	Sec. 3.3.C
Telecommunication tower	C	C	C	C	C	C	
Telecommunication tower/support structure concealed	C	C	C	C	C	C	
Wireless telecommunication facility, microcell	S	S	S	S	S	S	§ 7-16-1(c)(75)
Wireless telecommunication facility, co-location	S	S	S	S	S	S	§ 7-16-1(c)(77)
Wireless telecommunication facility, (concealed)	S	S	S	S	S	S	§ 7-16-1(c)(76)

KEY: P = Permitted Use S= Permitted Use Subject to Special Standards C = Conditional Use -- = Use Not Permitted

A. Drive-Through Facility

1. Adequate space must be made available on-site for the stacking, storage and queuing of vehicles.
2. Vehicles using drive-through facilities may not encroach on or interfere with the public use of streets and sidewalks by vehicles or pedestrians.
3. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-through area, must be located to the side or rear of the building. Drive-through windows and lanes may not be placed between the street and the associated building.
4. A restaurant with a drive-through must provide at least 4 queuing spaces, measured from the first pick-up window.
5. A bank or pharmacy with a drive-through must provide at least 3 queuing spaces per drive-through lane, measured from the teller box or window.
6. All other uses determined by the City Traffic Engineer.

B. Live-Work

1. In a mixed-use building containing live-work units, at a minimum, the ground floor primary street-facing facade must be activated with permitted commercial uses. This does not preclude other commercial spaces being included in additional locations in the building.
2. The live-work unit cannot exceed 1,500 square feet in gross floor area.

C. Parking Structures

1. Parking structures must meet all the requirements for a principal structure as specified in Sec. 2.0. In no case can structured parking exceed the height of the principal building on the site.
2. The ground story of a structured parking garage facing Haywood Road or Patton Avenue must have active uses (such as, but not limited to, residential, commercial, office or civic space, where permitted) located between the parking structure and the street (not including an alley).
3. Where upper stories of structured parking are at the perimeter of a building, they must be screened so that cars are not visible from ground level view from adjacent property or adjacent public street right-of-way (not including an alley).
4. Architectural and vegetative screens must be used to articulate the facade, hide parked vehicles and shield lighting. In addition, any ground floor facade treatment (building materials, windows, and architectural detailing) must be continued on upper stories.
5. Parking structure entries must not exceed 16 feet clear height and 25 feet clear width.

A. Applicability

The parking requirements of § 7-11-2 apply in the Haywood Road Form District, except the sections identified below:

1. § 7-11-2(c). Off-Street Parking Requirements;
2. § 7-11-2(d), Off-Street Loading Requirements; and
3. § 7-11-2(e)(2), Remote Parking.

B. Required Parking

The following minimum vehicle and bicycle parking spaces are required.

Use	Vehicle Parking Spaces (min)			Bicycle Parking (min)	
	HR-1: Core HR-2: Expansion	HR-3 Corridor HR-4: Traditional HR-6: Town	HR-5: Live-Work	Spaces	Short-term/ Long term
Existing Building					
Eating/drinking establishment, microbrewery, nightclub	1 per 250 sf	same as new building	same as new building	same as new building	same as new building
All other uses	none	same as new building	same as new building	same as new building	same as new building
New Building or Addition					
Dwelling, multifamily or upper-story	1 per unit (upper story only)	1 per unit	1 per unit	.5 per unit up to 2 bedrooms plus .25 per additional bedroom	80%/20%
All other residential uses	1 per unit	1 per unit	1 per unit	none	--
Park, playground, greenway, fire or police station, public utility or related facility	none	none	none	none	--
Place of worship	greater of 1 per 4 seats or 1 per 40 sf	greater of 1 per 4 seats or 1 per 40 sf	greater of 1 per 4 seats or 1 per 40 sf	1 per 5,000 sf 2 min	90%/10%
All other public and institutional uses	1 per 500 sf	1 per 500 sf	1 per 500 sf	1 per 5,000 sf 2 min	90%/10%
All food, beverage and entertainment uses	1 per 250 sf	1 per 250 sf	--	1 per 2,500 sf 2 min	80%/20%
All lodging uses	1 per guest room	1 per guest room	1 per guest room	1 per 2,500 SF 2 min	80%/20%
Health and fitness facility	1 per 250 sf	1 per 250 sf	1 per 250 sf	1/2,500 SF 2 min	80%/20%
All other retail, service and office uses	1 per 500 sf	1 per 500 sf	1 per 500 sf	1/2,500 SF 2 min	80%/20%
All other uses types	none	none	none	none	--

C. Location of Required Vehicle Parking

Required vehicle parking must be located on the same lot as the use they are intended to serve, except as listed below.

1. On-Street Parking

   See § 7-11-2.(f).

2. Remote Parking

   a. All required parking spaces, except required accessible spaces, can be located off-site if the remote parking area is located within 660 feet from the primary entrance of the use served.

   b. Up to 50% of the required parking spaces may be located more than 660 feet off-site, if the parking area is located within 1,320 feet from the primary entrance of the use served.

   c. Specifically designated parking spaces for employees may be located off-site up to 2,640 feet from the primary entrance of the use served.

   d. All remote parking spaces used to meet an on-site parking requirement must be located within the boundaries of the Haywood Road Corridor District.

   e. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the primary entrance of the use served.

   f. Any remote parking spaces must be guaranteed by a written agreement between the owner of the remote parking area and the owner of the use served by the remote parking area. Change of ownership of either parcel requires a renewal of the agreement.

D. Location of Required Bike Parking

1. General Requirements

   a. Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than 3%. Surfaces cannot be gravel, landscape stone, or wood chips.

   b. Bicycle parking spaces must be a minimum of 2 feet by 6 feet. There must be an access aisle a minimum of 5 feet in width.

   c. Each required bicycle parking space must be accessible without moving another bicycle and its placement must not result in a bicycle obstructing a required walkway.

   d. Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a 5 foot access aisle for wall mount parking.

   e. All racks must accommodate cable locks and "U" locks and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position.

2. Short-Term Bicycle Parking

   Required short-term bicycle parking spaces must be located in a convenient and visible area at least as close as the closest non-accessible vehicle parking and within 100 feet.

3. Long-Term Bicycle Parking

   a. Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and must be accessible to intended users.

b. Required long-term bicycle parking for residential uses can not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units.

c. With permission of the Planning and Development Director, long-term bicycle parking spaces for nonresidential uses may be located off-site within 300 feet of the site.

d. The off-site parking area is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.

E. Required Vehicle Loading

1. General Provisions

a. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, queuing areas and parking areas by vehicles or pedestrians.

b. With the exception of areas specifically designated by the City, loading and unloading activities are not permitted in the public right-of-way.

c. If determined necessary by the Planning and Development Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping.

2. Location

If a loading area is required or provided, it must meet the following.

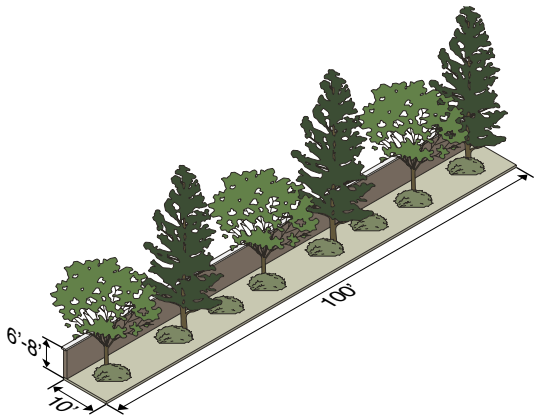
a. The loading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley.

b. The loading area must be located to the side or rear of buildings. Loading areas may not be placed between the street and the associated building.

A. Applicability

The landscape and buffering requirements of § 7-11-3 apply in the Haywood Road Form District, except as identified below:

1. The Haywood Road Form District is exempt from § 7-11-3(d)(5), Building Impact Landscaping and § 7-11-3(d)(7), Tree Save Areas.
2. Any Haywood Road Form District may modify the street buffer requirement of § 7-11-3(d)(5) by placing a wall at a minimum height of 3 feet in place of the required shrubs.
3. When abutting a RS or RM district, the property line buffer requirements of §7-11-3(d)(1) for a Type A Bufferyard apply, except that when a wall is used (as described below), the bufferyard may be provided as follows:



a. Depth: 10 feet min
b. Wall Height: 6 feet min / 8 feet max
c. Evergreen Trees: 3
d. Deciduous Trees (large): 3
e. Shrubs (large): 8

B. Grading

1. Speculative grading of land is not permitted within the Haywood Road Form District. No grading or removal of vegetation is permitted prior to approval of a site development plan.
2. Natural slopes in excess of 45 degrees must not be graded, and existing vegetation must not be removed.

A. Applicability

The sign requirements of Article XIII apply in the Haywood Road Form District, except as identified below:

1. § 7-13-4(a)(8)(a). See Sec. 4.3.H for temporary and permanent window sign requirements.
2. A-frame signs are permitted as temporary signs, provided they comply with the requirements of § 7-13-4(a)(8)(c).

B. Sign Types Allowed by District

Signs are allowed by sub-district as set forth below. Specific requirements for each sign are shown on the following pages.

	Core HR-1	Expansion HR-2	Corridor HR-3	Traditional HR-4	Live-Work HR-5	Town HR-6
Wall Sign	P	P	P	P	P	P
Awning Sign	P	P	P	P	P	P
Canopy Sign	P	P	P	P	P	P
Projecting Sign	P	P	P	P	P	P
Window Sign	P	P	P	P	P	P
Post Sign	--	P	P	P	--	P
Monument Sign	--	--	--	--	--	P*

KEY: P = Sign type allowed -- = Sign type not allowed * = Allowed on sites with street frontage on Patton Ave

C. Number of Signs Allowed

1. Wall Signs, Awning Signs, Canopy Signs

   A maximum of two signs on a primary street (any combination of wall signs, awning signs or canopy signs) are allowed per tenant space. One additional sign is allowed on a side street.

2. Projecting Signs

   A maximum of one projecting sign is allowed per tenant space.

3. Window Signs

   The number of window signs is unlimited, provided the maximum percentage of all temporary and permanent signs covering ground story windows and doors is not exceeded.

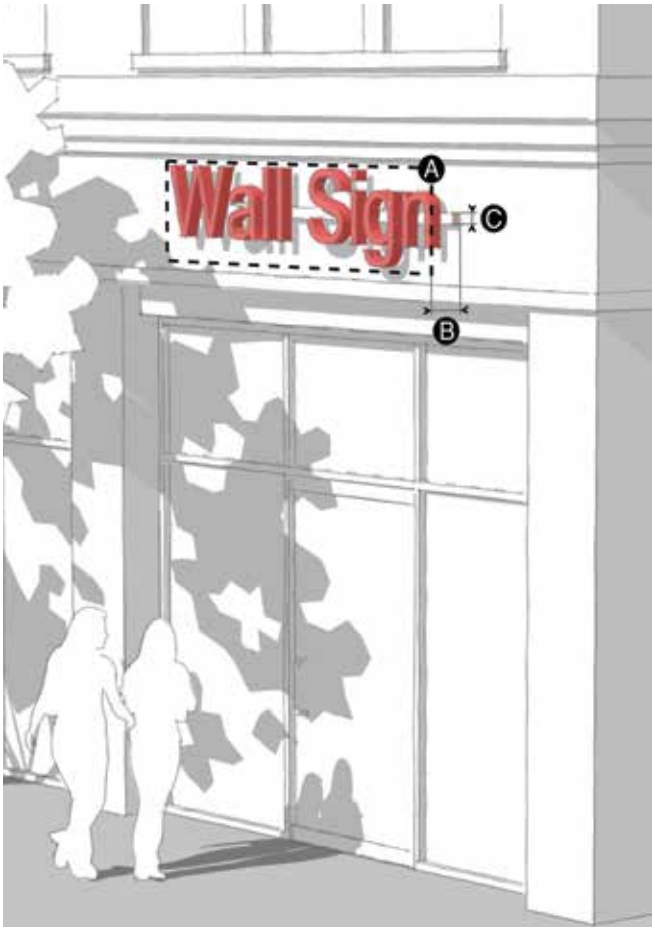
4. Post Sign, Monument Sign

   a. Where allowed, only one post sign or monument sign is allowed per street frontage, provided all signs are conforming.

   b. One additional post sign or monument sign is allowed for properties with 1,000 feet or more of street frontage. Where more than one post sign or monument sign is allowed, signs along the same street frontage must be spaced a minimum of 500 feet apart.

   c. Where a post sign is installed, only one wall, awning or canopy sign is allowed per tenant space.

D. Wall Sign



Description

A sign applied to or attached to the wall or surface of a building or structure, the display surface of which does not project more than 1 foot from the outside wall of the building or structure.

General Provisions

1. A wall sign must be placed no higher than 18 feet above the sidewalk.
2. No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
3. A wall sign cannot cover windows or architectural details.
4. A wall sign can be externally or internally illuminated in accordance with Sec. 4.3.K.

Dimensions

Ⓐ	Area (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	32 SF
	HR-5	9 SF
	HR-6 with Patton Ave frontage	50 SF
Ⓑ	Projection - measured from building facade (max)	1'
Ⓒ	Raceway (max % of letter height)	50%

Right-of-Way Encroachment

A wall sign may encroach over the public sidewalk but not over any public street or alley.

E. Awning Sign

Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning valance material as an integrated part of the awning itself.

General Provisions

1. An awning sign cannot extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. One sign is allowed per awning. A sign can be on either the front or side valance (but no on both).
4. Signs are not allowed on the sloping face of the awning.
5. An awning sign cannot be illuminated.

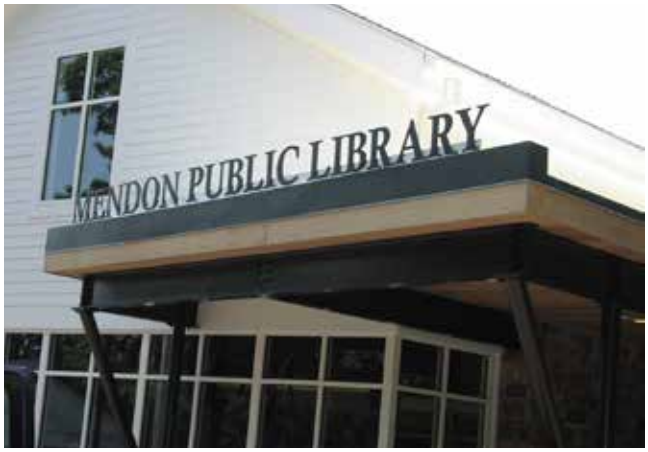
Dimensions

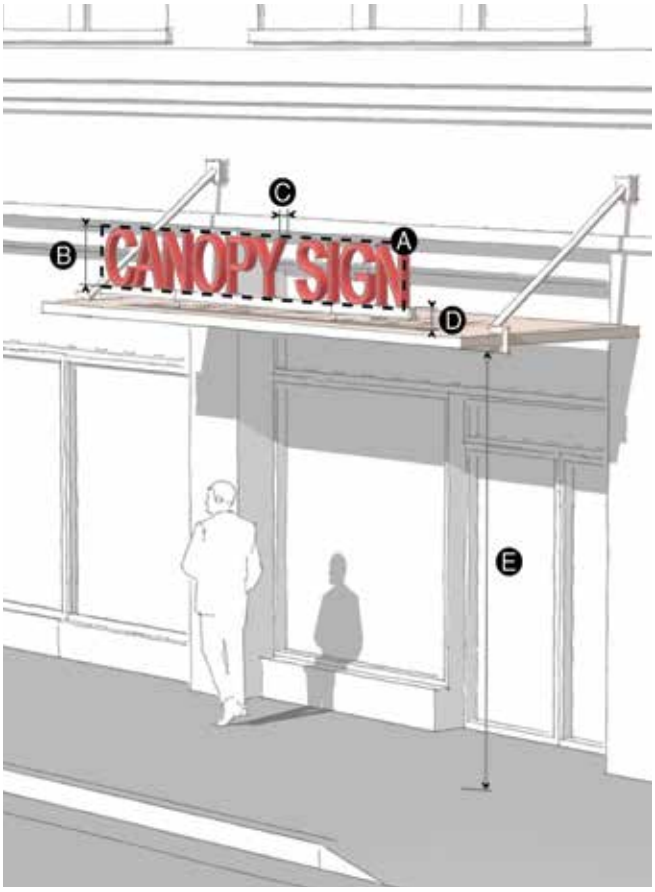
Ⓐ	Area (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	16 SF
	HR-5	9 SF
Ⓑ	Height (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	2'
	HR-5	1'

Right-of-Way Encroachment

An awning sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

F. Canopy Sign





Description

A sign attached to a canopy so that the display surface is parallel to the plane of the front building facade.

General Provisions

1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. A maximum of one sign is allowed per canopy.
3. Raceways are permitted for signs extending below or above the canopy. Otherwise, raceways are not permitted and the sign must be flush with the canopy face.
4. A canopy sign can be externally or internally illuminated in accordance with Sec. 4.3.K.

Dimensions

Ⓐ	Area (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	16 SF
	HR-5	9 SF
Ⓑ	Height (max)	
	HR-1, HR-2, HR-3, HR-4, HR-6	2'
	HR-5	1'
Ⓒ	Depth (max)	1'
Ⓓ	Raceway (max % of letter height)	50%
Ⓔ	Clear height above sidewalk (min)	9'
	Clear height above parking area or driveway (min)	14'

Right-of-Way Encroachment

A canopy sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

G. Projecting Sign

Description

A sign attached to the building facade at a 90-degree angle that hangs from a bracket or support extending more than 1 foot from the outside wall of the building or structure.

General Provisions

1. The hanging bracket must be an integral part of the sign design.
2. A projecting sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
3. A projecting sign can only be externally illuminated in accordance with Sec. 4.3.K.

Dimensions

A	Area (max)	9 SF
B	Height (max)	3'
C	Spacing from building facade (min/max)	6"/12"
D	Projection width (max)	3.5'
E	Depth (max)	6"
F	Clear height above sidewalk (min)	9'
	Clear height above parking area or driveway (min)	14'

Right-of-Way Encroachment

A projecting sign may encroach over the public sidewalk but not over any public street or alley. The sign must be a minimum of 2 feet inside the curb line or edge of pavement, whichever is greater.

H. Window Sign

Description

A sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door.

General Provisions

1. Windows signs are only allowed on ground story windows and doors.
2. A window sign cannot be illuminated.

Dimensions

A	Maximum area of all ground story windows and doors covered by signs	20%

The maximum 20% coverage applies to both temporary and permanent signs, unless temporary signs placed in a window or door meet the requirements of § 7-13-4(a)(8)(b.)

Right-of-Way Encroachment

A window sign cannot encroach into the public right-of-way.

I. Post Sign

Description

A permanently affixed sign which is wholly independent of a building for support where the primary support is supplied by two posts positioned no more than 6 inches from the outer edge of the sign face.

General Provisions

1. A post sign must be set back at least 5 feet from the primary or side street lot line and 10 feet from a side interior lot line.
2. A post sign can only be externally illuminated in accordance with Sec. 4.3.K.
3. An existing post sign may replace the sign face, provided the maximum sign area requirements of this section are met.

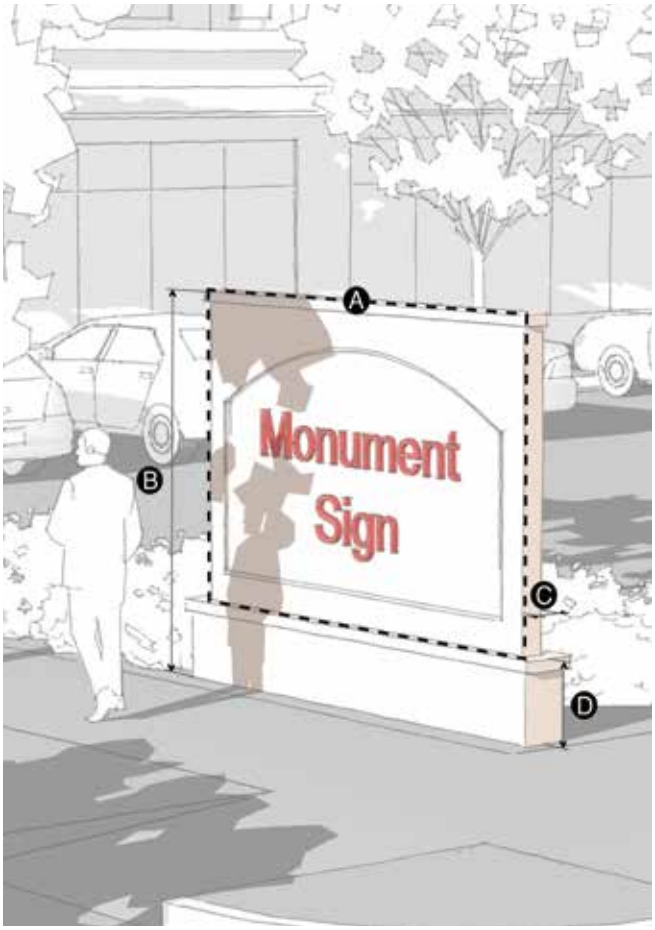
Dimensions

Ⓐ	Area (max)	25 SF
Ⓑ	Height (max)	12'
Ⓒ	Depth (max)	1'

Right-of-Way Encroachment

A post sign cannot encroach into the public right-of-way.

J. Monument Sign



Description

A permanently affixed sign which is wholly independent of a building for support attached to the ground along its entire length.

General Provisions

1. A monument sign must be set back at least 5 feet from the primary or side street lot line and 10 feet from a side interior lot line.
2. A monument sign can be externally or internally illuminated in accordance with Sec. 4.3.K.

Dimensions

Ⓐ	Sign area (max per sign)	64 SF
Ⓑ	Height (max)	10'
Ⓒ	Depth (max)	2'
Ⓓ	Sign base height (min/max)	2'/4'

Right-of-Way Encroachment

A monument sign cannot encroach into the public right-of-way.

K. Illumination

Illumination of signs must be in accordance with the following requirements.

1. Illumination Permitted by Sign Type

	Internal	External
Wall Sign	Yes	Yes
Awning Sign	No	No
Canopy Sign	Yes	Yes
Projecting Sign	No	Yes
Window Sign	No	No
Post Sign	No	Yes
Monument Sign	Yes	Yes

2. Prohibited Light Sources

   a. Blinking, flashing and chasing.

   b. Bare bulb illumination.

   c. Colored lights used in any manner so as to be confused with or construed as traffic control devices.

   d. Direct reflected light that creates a hazard to operators of motor vehicles.

   e. Lights that outline property lines, sales areas, roof lines, doors, windows or similar area are prohibited, except for seasonal lighting or very low luminosity lighting displays using multiple lamps.

3. External Illumination

   a. Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.

   b. Lighting fixtures must be directed downward rather than upward.

   c. Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance and not obscure the sign.

External light sources

Internally lit channel letters

Back lit channel letters

Internally lit cabinet signs with darker background

4. Internal Illumination

   a. Channel letters may be internally lit or back-lit.

   b. For cabinet signs, the background must be opaque or a darker color than the message of the sign.

   c. Exposed neon may be used for lettering or as an accent.

5. Raceways and Transformers

   a. If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.

   b. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.

   c. Visible transformers are not allowed.

A. Applicability

The requirements of this section apply where merchandise, material or equipment is stored outside of a completely enclosed building.

B. Outdoor Display

1. Defined

a. The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, video rentals or similar vending machines is considered outdoor display.

b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage).

2. Standards

a. Outdoor display is only allowed with a permitted ground floor nonresidential use.

b. Outdoor display must abut the primary facade with the principal customer entrance, and may not extend more than 6 feet from the facade or occupy more than 25% of the horizontal length of the facade.

c. Outdoor display cannot exceed 6 feet in height.

d. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink, video rentals or similar vending machines may remain outside overnight.

e. Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

C. Outdoor Storage

1. Defined

a. Outdoor storage is the overnight storage of products or materials outside of a building.

b. Outdoor storage includes merchandise or material in boxes, in crates, on pallets or in shipping containers, the overnight outdoor storage of vehicles awaiting repair, RV's and boats, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material, vehicles, or equipment.

2. Standards

a. Outdoor storage is not permitted except with Planning and Zoning Commission approval.

b. The Planning and Zoning Commission will determine where outdoor storage may be allowed on the site, and its extent (vertically and horizontally) must be shown on an approved site plan.

A. UDO Administrative Procedures Apply

The administrative procedures of the City's Unified Development Ordinance (Chapter 7 of the Municipal Code) apply to this form-based code, except as expressly modified below.

B. Pre-Application Conference Required

A pre-application conference with the City's Planning and Development staff is required prior to any application for approval under this Form-Based Code.

A. General Meaning of Words and Terms

1. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Haywood Road Form District or the context in which they are used clearly indicates to the contrary.

2. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the Courts of this State may be employed to resolve vagueness and ambiguity in language.

3. Terms defined for the purpose of the Haywood Road Form District may be found in 7-2-5.

2

PLANNING AREAS

SECTIONS

2.1 GENERAL	PAGE 2-1
2.2 PLANNING AREAS	PAGE 2-7
2.3 OVERLAY DISTRICTS	PAGE 2-79

2.1 GENERAL

2.1.1 PLANNING AREAS

In order to implement the purpose and intent of the Planning Ordinance, planning areas are established in this section. Planning areas are different from conventional zoning districts in that they are defined not by land use but by geographical areas related to the historical and topographical patterns of growth in the community and the Targeted Growth Plan from the 2010 Davidson Comprehensive Plan. Therefore, we have replaced the conventional terminology of "Zoning District" with "Planning Areas." These planning areas have the same legal authority as zoning districts.

There are detailed provisions, uses, and standards for the design of the built environment within each respective planning area, including dimensional standards, permitted building types, height, parking, lighting, signage, permitted uses and other development standards.

There are hereby established the following planning areas:

- Village Center (Section 2.2.1)
- Village Commerce (Section 2.2.2)
- Village Edge (Section 2.2.3)
- Village Infill (Section 2.2.4)
- Central Business District (Section 2.2.5)
- Lakeshore (Section 2.2.6)
- Neighborhood Center I (Section 2.2.7)
- Neighborhood Center II (Section 2.2.8)
- Neighborhood Services (Section 2.2.9)

- Neighborhood General (Section 2.2.10)
- Neighborhood Edge (Section 2.2.11)
- Rural (Section 2.2.12)
- Rural Reserve (Section 2.2.13)
- College Campus (Section 2.2.14)
- Employment Campus I (Section 2.2.15)
- Employment Campus II (Section 2.2.16)
- Conditional (Section 2.2.17)
- Special Use (Section 2.2.18)

2.1.2 OVERLAY DISTRICTS

An overlay district is a separate set of regulations applicable only to a specific geographic area for the purpose of managing certain environmentally sensitive, culturally/ historically significant, and/or visually important community resources. An overlay district may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying planning area. The underlying planning areas and overlay districts together will control development. Overlay district designations are established below; in case of conflicting regulations, the stricter regulation takes precedence.

There are hereby established the following overlay districts:

- Village Height Overlay
- Village Parking Overlay
- Village Infill Overlay
  - Red
  - Orange
  - Yellow
  - Green
  - Blue
  - Purple
- Local Historic District Overlay (Section 22)
- Retail Frontage Overlay
- Stream Buffer Overlay (Section 21)
- Watershed Protection Overlay (Section 17)
- Floodplain Overlay (Section 18)

2.1.3 PERMITTED USES

Permitted uses are those activities which are allowed or allowed with additional requirements in each planning area. Permitted uses are listed in the Use Table in the respective planning area section. Additional requirements are listed in Section 3.

All uses in the Use Table have been divided into categories, defined as followed:

A. RESIDENTIAL

Residential uses are premises available for long-term human habitation by means of ownership and rental, excluding short-term leasing or rental of less than one month.

B. COMMERCIAL/OFFICE/RETAIL

Commercial, office and retail uses are premises available for the transaction of general business and the provision of services, retail sales and commercial sale of merchandise, prepared foods, and food and drink consumption, but excluding manufacturing, except as a minor component.

C. CIVIC/EDUCATIONAL/INSTITUTIONAL

Civic, educational and institutional uses are premises available for organizations dedicated to education, religion, government, social service, arts and culture, recreation and sports, and other similar areas of public assembly.

D. INDUSTRIAL/WHOLESALE/STORAGE

Industrial, wholesale and storage uses are premises available for the creation, assemblage, storage, repair, and wholesale selling of items including their storage and wholesale of product.

E. AGRICULTURE

Agriculture uses are premises for growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitat and all related functions.

F. INFRASTRUCTURE

Infrastructure are uses and structures dedicated to transportation, communication, and utilities essential to the public safety and welfare.

G. ACCESSORY USES

An accessory use is a use that is clearly and customarily subordinate to a principal use or principal structure. An accessory use is smaller in area, extent, or purpose to the principal use or principal structure served.

H. PARK & OPEN SPACE USES

Parks and open spaces are permitted in all Planning Areas. Park types and open space must conform to the requirements listed in Section 7.

Whether or not a use is permitted in a specific planning area is determined by the Use Table associated with the respective planning area. The use allowances in the Use Table shall be interpreted as:

P = Permitted

AR = Permitted with Additional Requirements

CD = Permitted as part of an approved conditional district only

Uses permitted as temporary uses only are listed in the Temporary Use Section 3.

Uses not listed in the Use Table may, upon determination of the Planning Director, be identified with the next-closest use or identified as a conditional use. The following is a list of uses specifically not permitted by-right in any planning area:

- ATM or Donation Boxes as stand alone structures

- Commercial Communication Tower
- Commercial, Restricted
- Community Support Facility
- Convention Center
- Correctional Institution
- Drive-through facility and/or service
- Golf Course
- Hazardous Materials Treatment Facility
- Junk Yard/Salvage Yard
- Materials Recovery and/or Waste Transfer Facility
- Mini-warehouse and/or Self-storage
- Outdoor Sales
- Race Track and/or Drag Strip
- Sanitary Landfill
- Shooting Range
- Vehicle, Boat and/or Manufactured/Mobile Home Sales, Rental, and/or Lease Establishments
- Warehouse
- Waste Management Facility
- Wastewater Treatment Facility

In the event that a particular use is not listed in the Use Table or in the list of prohibited uses, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar use exists in this section. Should the Planning Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Planning Director's decision shall be recorded in writing. Should the Planning Director determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question.

Materially Similar Uses: The Planning Director may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:

- American Planning Association Land-Based Classification Standards (LBCS)
- North American Industrial Classification System (NAICS)
- Institute of Transportation Engineers (ITS) Trip Generation Guide

2.1.4 BUILDING TYPES

Building types are used as a regulatory mechanism in this planning ordinance. Not all building types are permitted in all planning areas. Additional design standards and additional requirements for each building type are in Section 4, Site & Building Design Standards.

Whether or not a building type is permitted or required in a specific planning area is determined by the Building Type Table associated with the respective planning area. The building type allowances in the Building Type Table shall be interpreted as:

P = Permitted

R = Required

DR = Permitted with approval of the Design Review Board

Building types not listed in the Building Type Table are presumed to be prohibited.

There are hereby established the following building types:

A. DETACHED HOUSE (ONE AND TWO-FAMILY)

Detached houses are the most predominant residential building type in Davidson. Detached houses are suitable for single-family or two-family residences. They are appropriate on a wide variety of lot sizes.

B. TOWNHOUSE

Townhouses are residential buildings with three or more dwelling units that share a common wall. Each unit has its own entrance and is a minimum of two stories. Units are typically aligned close to the public sidewalk, although sometimes there are small variations in setback to provide landscaping or diversity in the streetscape.

C. ATTACHED HOUSE (TRIPLEX, QUADPLEX)

Attached houses have the outward appearance of detached houses but accommodate three or four completely separate dwelling units within one building. They are appropriate on a wide variety of lot sizes.

D. MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, FLATS)

Multi-family buildings incorporate more than four dwelling units in a vertical arrangement within one building. Common entrances and interior corridors serve multiple units. These buildings are a minimum of two stories with parking typically located behind the buildings or underground.

E. LIVE/WORK

Live/work buildings are designed to combine commercial and residential uses within a single building of two or more stories. They are similar to a townhouse, with a storefront on the ground floor and a residential unit above. Storefront space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

F. INSTITUTIONAL

Institutional buildings are used for public or semi-public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses may include churches, libraries, post offices, and schools. Institutional buildings serve as landmarks and places of assembly. They have a sense of prominence within their respective neighborhoods.

G. WORKPLACE

The workplace building is designed to accommodate either single or multiple uses or tenants with a wide range of internal activities in a single building.

H. STOREFRONT

A storefront building is designed to accommodate either single or multiple uses or tenants in a single building. A group of storefront buildings can be combined to form a mixed-use center. For example, individual storefront buildings can provide commercial uses with residential or office uses on the upper floors. They are a minimum of two stories, typically are aligned adjacent to the public sidewalk and include a high percentage of transparency in the ground level façade to encourage pedestrian activity.

I. ACCESSORY STRUCTURE

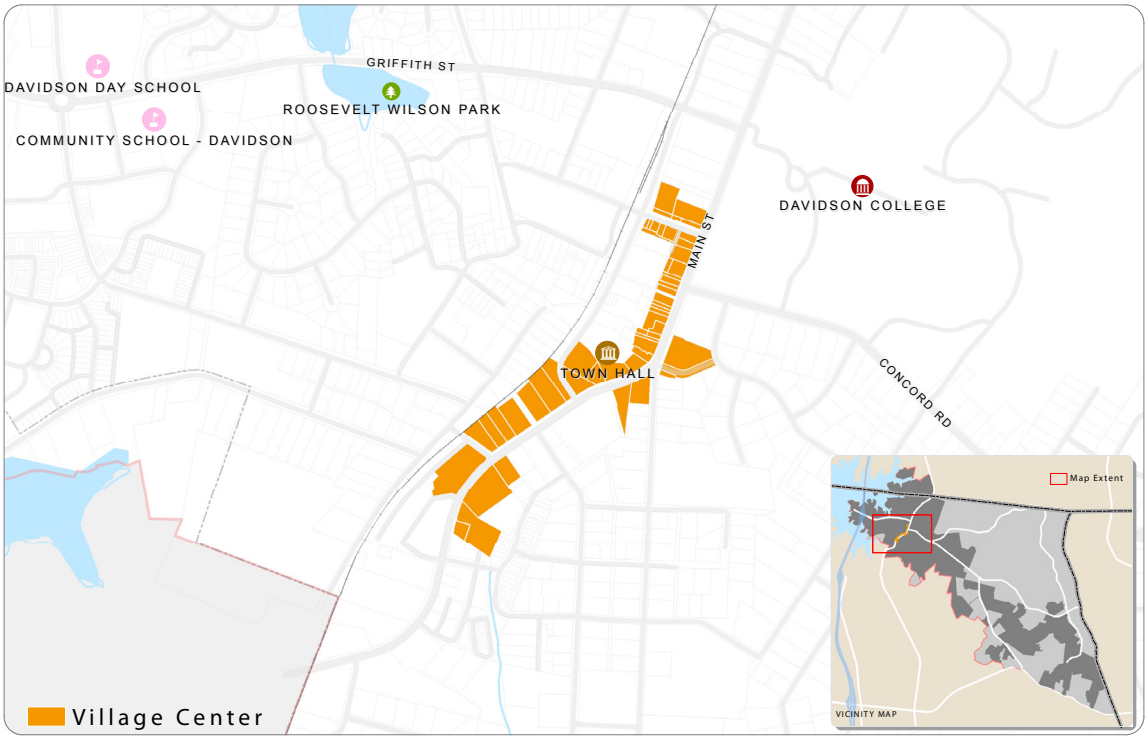
An accessory structure is an above-ground structure that is clearly and customarily subordinate to a principal use or principal structure. An accessory structure is smaller in area, extent, or purpose to the principal use or principal structure served.

2.1.5 DEVELOPMENT STANDARDS

The purpose of development standards is to establish criteria for the development, redevelopment, construction, reconstruction, use, reuse, or subdivision of land within the Town of Davidson planning jurisdiction. These standards serve as the foundation to development but are not to be considered all-inclusive.

Minor variations from the development standards established in this ordinance may be approved by the Planning Director based on environmental conditions of the site.

2.2 PLANNING AREAS



2.2.1 VILLAGE CENTER PLANNING AREA

A. DESCRIPTION

The Village Center Planning Area is established to protect and cultivate the unique environment of Davidson's historic downtown. It is the community's commercial, civic, cultural, and transportation hub. The Village Center should include places for public gatherings, civic and cultural events, and public art. Infill development must complement the traditional built environment and encourage small, independent retailers. New development in the Village Center Planning Area should be multi-story, multi-use, and transit supportive.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Center Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Section 3, Uses with Additional Requirements.

TABLE 2-1: VILLAGE CENTER USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Home Occupation	AR
Hotel/Inn	P
Parking as Principal Use	AR
Professional Services	P
Retail, Primary	P/R**
Retail, Secondary	P/R**
Civic/Educational/Institutional Uses	
Cultural/Community Center	AR
Fire & Police Station	P
Religious Institution	AR
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements, R = Required

*Use must be approved by the Planning Director

** Use is required on first floor of all buildings in the retail use overlay. See Retail Overlay District.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Village Center Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-2: VILLAGE CENTER BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Institutional	R	R	2 stories	*3-4 stories
Storefront	R	R	2 stories	*3-4 stories

R = Required, P = Permitted

*Reference Section 2.3.2 (VH-O) Village Height Overlay District. Structures within the overlay district shall be no taller than three stories.

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Village Center Planning Area.
2. **Open Space Requirements:** There are no open space requirements in the Village Center Planning Area.
3. **Density Requirements:** There are no density requirements in the Village Center Planning Area.

TABLE 2-3: VILLAGE CENTER SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Ground Floor	Upper Floors
Institutional[1]	0	NA	0	NA	NA	NA
Storefront[1]	0	0	0	NA	NA	NA

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Village Center Planning Area, see the following sections:

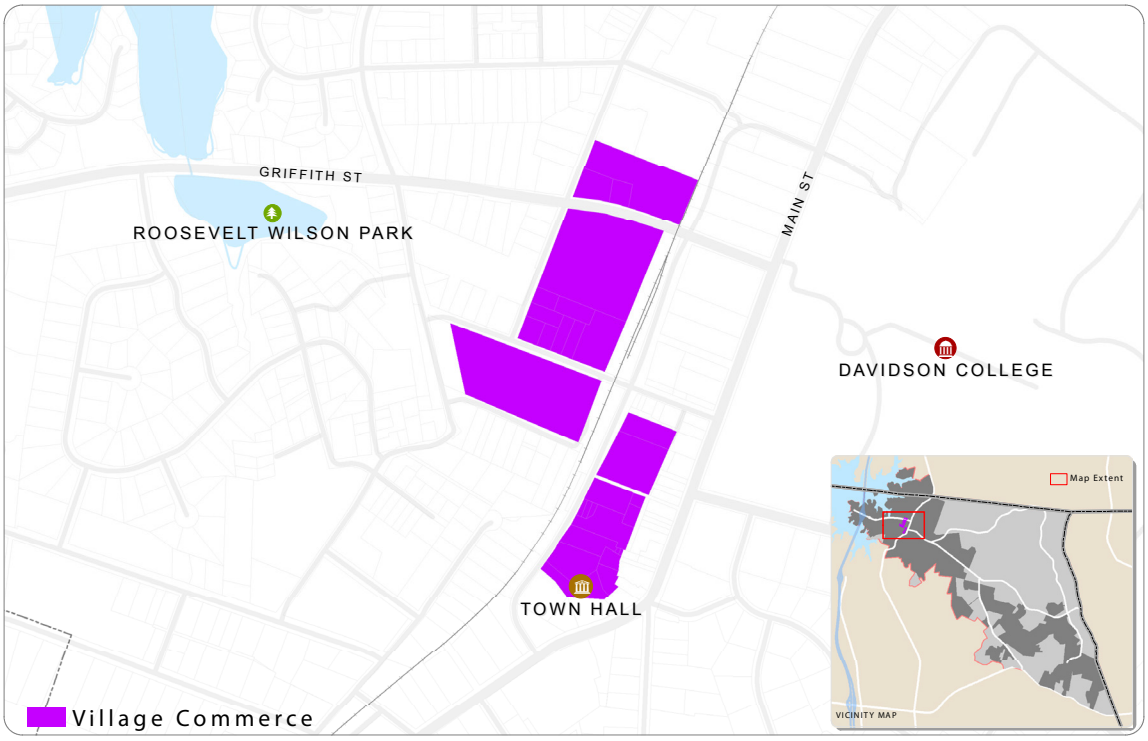
- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 7, Parks & Open Space
- Section 6, Subdivision & Infrastructure
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Village Center Planning Area:

- Streetscape Improvement Standards: All sidewalks, street tree placement and street lights shall match those existing on Main Street between Depot Street and Jackson Street.

F. Applicable Overlay Districts

- Village Retail Frontage Overlay (See Section 2.3.6)
- Village Height Overlay (See Section 2.3.2)
- Village Parking Overlay (See Section 2.3.3)
- Local Historic District Overlay (See Section 2.3.5)
- The Local Historic District Overlay Design Guidelines can be found in Section 22.



2.2.2 VILLAGE COMMERCE PLANNING AREA

A. DESCRIPTION

The Village Commerce Planning Area is established to create a strong emphasis on development and redevelopment of commercial, retail, and residential land uses at a higher intensity than historically created in the Village Center. Development should generate a dense mix of retail frontage, upper-story commercial, and high density residential with structured parking. Provisions for pedestrians, bicyclists, and transit riders are essential to the success of the Village Commerce Planning Area.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Commerce Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are in Chapter 3, Uses with Additional Requirements.

TABLE 2-4: VILLAGE COMMERCE USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial, Primary	P
Commercial Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Parking as Principal Use	AR
Professional Services	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Village Commerce Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-5: VILLAGE COMMERCE BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Storefront	R	R	2 stories	4 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Village Commerce Planning Area.

TABLE 2-6: VILLAGE COMMERCE SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Storefront[1]	0	0	0	NA	NA	NA

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1] Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.

2. **Open Space Requirements: The following table establishes the required open space for the Village Commerce Planning Area.**

TABLE 2-XX: VILLAGE COMMERCE OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	5%	NA

3. **Density Requirements:** There are no density requirements in the Village Commerce Planning Area.

E. DEVELOPMENT STANDARDS

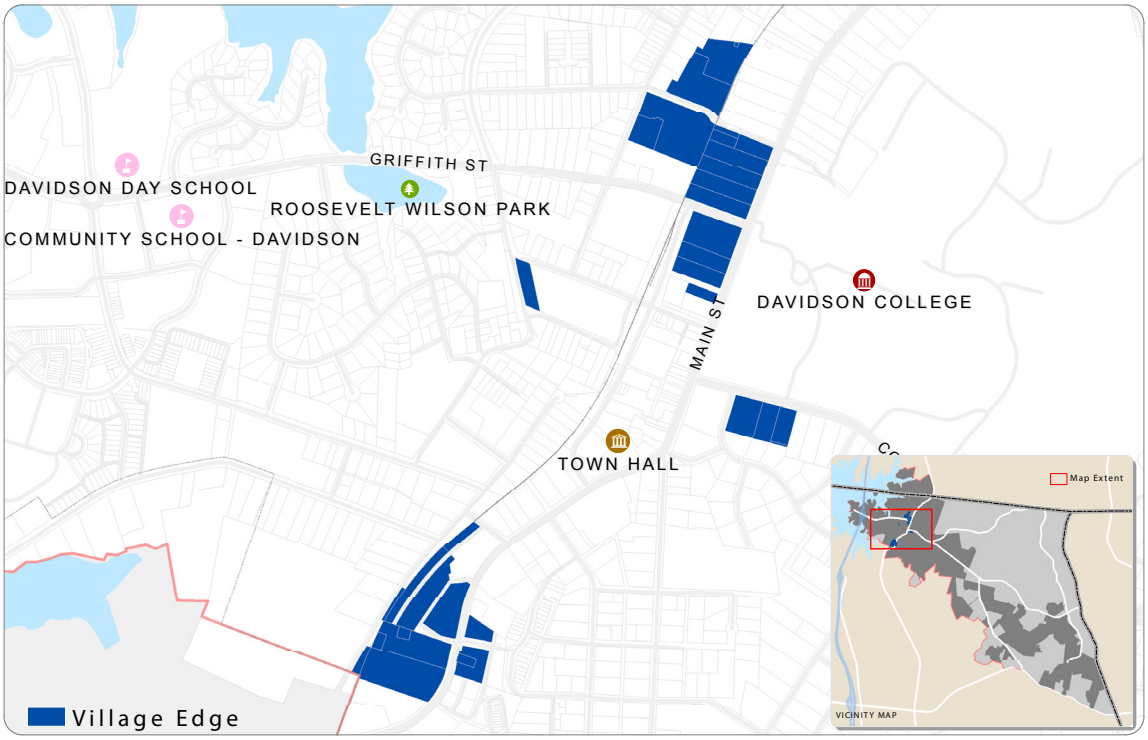
For development standards applicable in the Village Commerce Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space

- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

F. Applicable Overlay Districts

- Village Parking Overlay (See Section 2.3.3)
- Local Historic District Overlay (See Section 2.3.5)



2.2.3 VILLAGE EDGE PLANNING AREA

A. DESCRIPTION

The Village Edge delineates the boundary of the village commercial and retail districts. The Village Edge Planning Area promotes infill development that creates vibrant, pedestrian-friendly streetscapes through a variety of commercial and residential uses. By providing a balance of workplaces and residential uses at the edges of downtown, it creates a strong support framework necessary for a successful town center.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Edge Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-7: VILLAGE EDGE USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial, Primary	P
Commercial Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Parking as Principal Use	AR
Professional Services	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Indoor	P
Religious Institution	AR
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES.

The following table establishes the permitted building types for the Village Edge Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 4.4.1.A). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-8: VILLAGE EDGE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Townhouse	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work[1]	P	R	2 stories	3 stories
Institutional	P	R	2 stories	3 stories
Workplace	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Village Edge Planning Area.

TABLE 2-9: VILLAGE EDGE SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Townhouse	5[2]	10	5[3]	10	5	NA
Multi-family	0	10	0	NA	5	NA
Live/Work	0	10	0	10	5	NA
Institutional[1]	0	0	0	NA	NA	NA
Workplace[1]	0	0	0	NA	NA	NA
Storefront[1]	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1]Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.

[2]On corner lots, the front setback applies to any façade facing a street.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements: The following table establishes the required open space for the Village Edge Planning Area.**

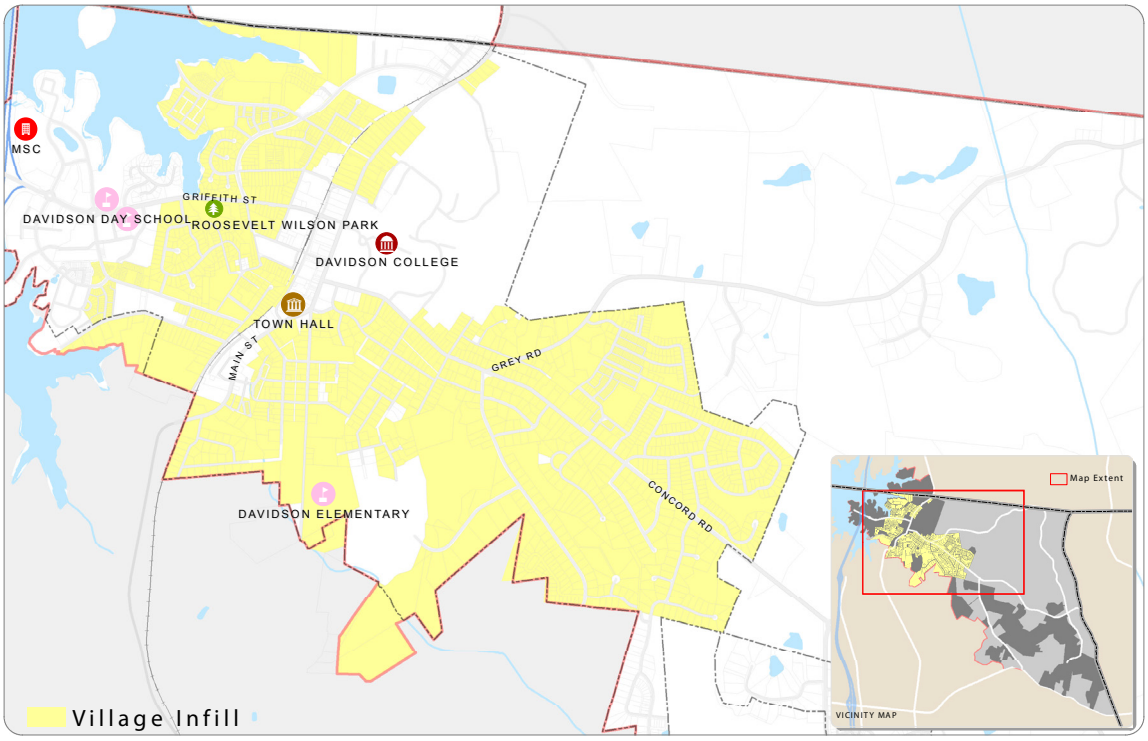
TABLE 2-XX: VILLAGE EDGE OPEN SPACE TABLE		
	Required % of Development	
Open Space	Minimum	Maximum
	10%	NA

3. **Density Requirements:** There are no density requirements in the Village Edge Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Village Edge Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations



2.2.4 VILLAGE INFILL PLANNING AREA

A. DESCRIPTION

The Village Infill Planning Area comprises Davidson's traditional, residential neighborhoods and provides for infill development surrounding the historic town center. Streets, sidewalks and greenways in the Village Infill Planning Area must be interconnected. A range of housing types is encouraged. Small retail establishments are permitted on corner lots, with restrictions. This encourages the provision of small-scale retail and service uses for surrounding residential areas. Buildings are restricted in size to promote a local orientation, to be pedestrian-oriented, to be compatible with the scale of surrounding residences, and to limit any adverse impacts on residential development.

B. PERMITTED USES

The following table establishes the permitted uses for the Village Infill Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-10: VILLAGE INFILL USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Professional Services	AR
Retail Secondary	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Government Services	P
Recreation Facility, Outdoor	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES.

The following table establishes the permitted building types for the Village Infill Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-11: VILLAGE INFILL BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 stories	37 feet[3]
Townhouse	P	R	2 stories	37 feet[3]
Attached House	P	R	2 stories	37 feet[3]
Multi-family	P	R	2 stories	37 feet[3]
Live/Work1	P	R	2 stories	37 feet[3]
Institutional	P	R	2 stories	37 feet[3]
Storefront[2]	P	R	2 stories	2 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

[2]Storefront buildings shall be permitted on vacant corner lots only and shall not exceed 2,500 square feet per story. A corner lot must be vacant for 12 months before a storefront building would be permitted.

[3]The height is measured from the finished floor elevation of the façade facing the street to the ridgeline or the highest point of the roof, where there is no ridgeline, excluding chimneys and basements.

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Village Infill Planning Area.
2. **Open Space Requirements:** The following table establishes the required open space for the Village Infill Planning Area.

TABLE 2-XX: VILLAGE INFILL OPEN SPACE TABLE		
	Required % of Development	
Open Space	Minimum	Maximum
	10%	NA

3. **Density Requirements:** There are no density requirements in the Village Infill Planning Area.

TABLE 2-12: VILLAGE INFILL SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	†	†	††	††	20	NA
Townhouse	5	10	10[3]	NA	5	NA
Attached House	†	†	††	††	20	NA
Multi-family	5	10	10	NA	5	NA
Live/Work	5	10	10	NA	5	NA
Institutional	0	NA	10	NA	5	NA
Storefront[1]	0	20[4]	10	NA	NA	NA
Accessory Structure	†††	†††	†††	†††	†††	†††

Setbacks are measured in feet.

†In the Village Infill Planning Area, front setbacks for detached and attached houses shall be within the minimum and maximum front setbacks for buildings within 500 feet along both sides of the same street in either direction AND within ten feet of the front setback for the closest house on the same side of the street. For dual-frontage lots, the Planning Director may waive the adjacent setback rule requiring the subject house to be within ten feet of the closest adjacent house based on the context of the block. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach up to five feet into the front setback area when this procedure is used to determine the setback.

††The total of both side setbacks shall be equal to or greater than 30 percent of the lot width at the front building line; however no side setback shall be less than five feet.

†††See Section 4.5.8 for permitted location and setbacks of accessory structures.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the front setback applies to all street facing facades.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

[4]Setback shall be no more than adjacent house.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Village Infill Planning Area, see the following sections:

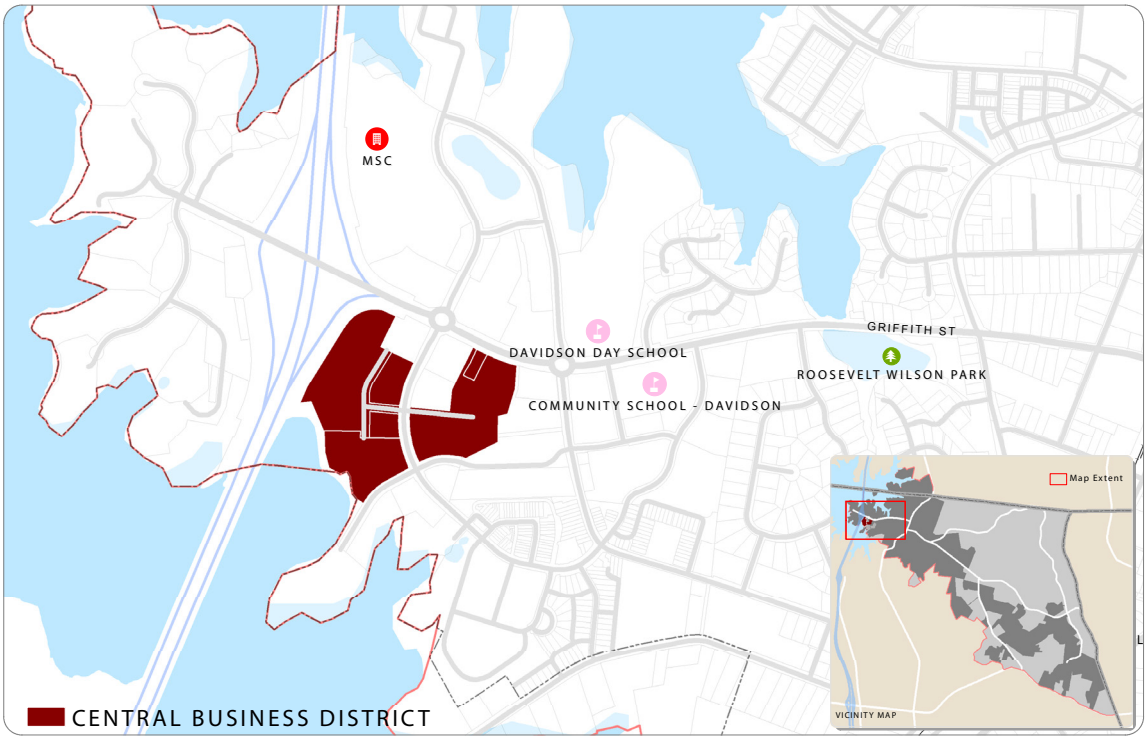
- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Village Infill Planning Area.

- In each master plan development creating 15 lots or more, 20 percent of the lots for detached, townhome, and live/work building types must be no greater than 32 feet nor less than 18 feet in width. These lots may not be combined to form a larger lot.
- A detached house may be demolished only if it is replaced with a residential dwelling unit.
- The setbacks and building heights in certain overlay districts sometimes exceed what is permitted in the Village Infill Planning Area. The stricter regulation shall take precedence.
- 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.

F. Applicable Overlay Districts

- Village Infill Overlay (See Section 2.3.4)



2.2.5 CENTRAL BUSINESS DISTRICT PLANNING AREA

A. DESCRIPTION

The Central Business District Planning Area provides a balance of land uses with higher density commercial activities, employment opportunities, and residential uses at the gateway to Davidson from I-77. The purpose of this planning area is primarily commercial development within a pedestrian-friendly neighborhood. Residential units on upper floors are encouraged. This mixture of uses promotes walking, keeps spending local, strengthening the local economy, and reduces dependence on automobiles by creating a neighborhood with many different service and retail establishments in a small area. Architectural design guidelines ensure an attractive and durable built environment unlike typical interstate interchanges.

B. PERMITTED USES

The following table establishes the permitted uses for the Central Business District Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-13: CENTRAL BUSINESS DISTRICT USE TABLE	
Residential Uses	
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Professional Services	P
Research Laboratory	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Indoor	AR
Transit Shelter	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Central Business District Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-14: CENTRAL BUSINESS DISTRICT BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Workplace	P	R	3 stories	6 stories
Storefront	P	R	3 stories	6 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Central Business District Planning Area.

TABLE 2-15: CENTRAL BUSINESS DISTRICT SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Workplace[1]	0	0	0	NA	NA	NA
Storefront[1]	0	0	0	NA	NA	NA

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Central Business District Planning Area.

TABLE 2-16: CENTRAL BUSINESS DISTRICT OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	5%	NA

3. **Density Requirements: There are no density requirements in the Central Business District Planning Area.**

E. DEVELOPMENT STANDARDS

For development standards applicable in the Central Business District Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations

- Section 21, Stream Buffer Regulations

The following are additional development standard(s) in the Central Business District 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.

2.2.6 LAKESHORE PLANNING AREA

A. DESCRIPTION

The Lakeshore Planning Area is located at the entrance to Davidson from I-77, within easy walking and bicycling distance to large employment centers and downtown Davidson, and with ample access and vistas to Lake Norman, Lake Davidson, and Lake Cornelius. The Lakeshore Planning Area contains opportunities for high density residential development integrated within corporate, commercial and retail mixed-use development. This planning area is within the state-mandated watershed overlay district; thus the development should be higher and denser development with a smaller footprint. Shorelines must be preserved for public use and aesthetic character.

B. PERMITTED USES

The following table establishes the permitted uses for the Lakeshore Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-17: LAKESHORE USE TABLE	
Residential Uses	
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Home Occupation	AR
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	P
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Lakeshore Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-18: LAKESHORE BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	R	2 stories	3 stories
Townhouse	P	R	2 stories	3 stories
Attached House	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work[1]	P	R	2 stories	4 stories
Workplace	P	R	2 stories	4 stories
Storefront	P	R	2 stories	4 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Lakeshore Planning Area.

TABLE 2-19: LAKESHORE SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	0	20	3	NA	20	NA
Townhouse	5	10	5[3]	10	5	NA
Attached House	0	20	3	NA	20	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	5	0	0	10	NA	NA
Workplace[1]	0	0	0	NA	NA	NA
Storefront[1]	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Lakeshore Planning Area.

TABLE 2-20: LAKESHORE OPEN SPACE TABLE

Required % of Development		
Open Space	Minimum	Maximum
	5%	NA

3. **Density Requirements:** There are no density requirements in the Lakeshore Planning Area.

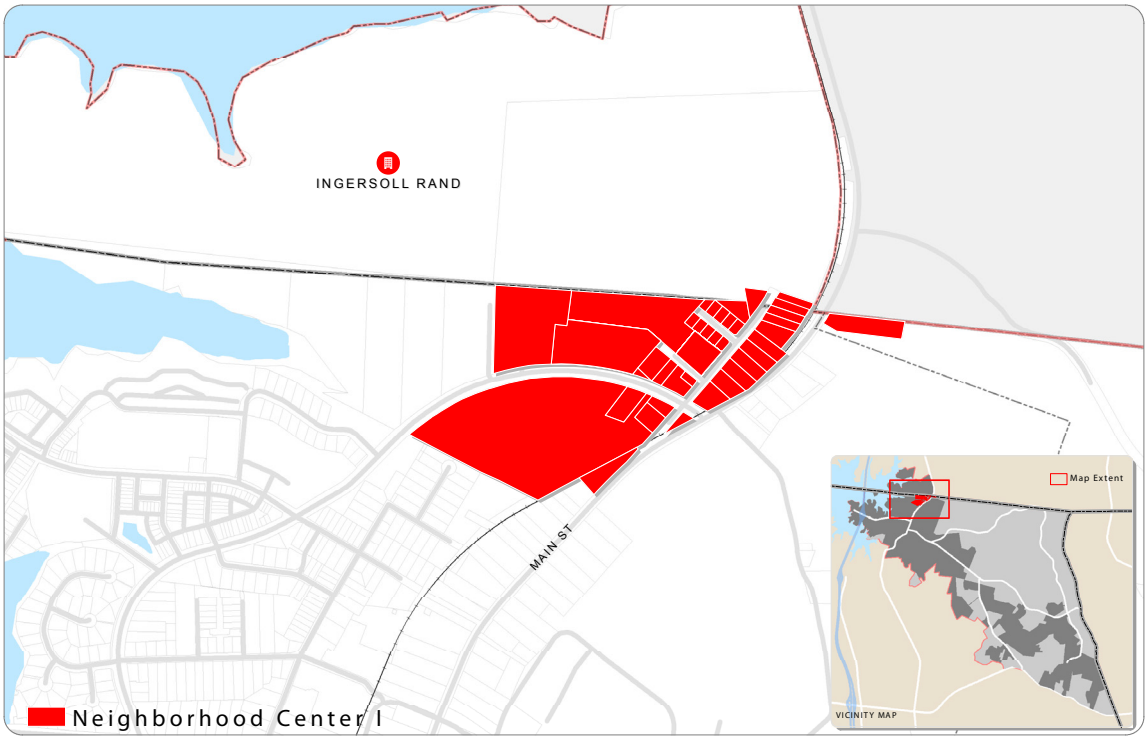
E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

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.



2.2.7 NEIGHBORHOOD CENTER I PLANNING AREA

A. DESCRIPTION

The Neighborhood Center I Planning Area is established to provide employment opportunities and commercial and retail services to our citizens and regional travelers along and near major thoroughfares. Development is encouraged to be compact and provide off-road pedestrian and bicycle facilities. These commercial nodes will accommodate the high volume of regional traffic along the corridors. The design of a required frontage parkway through developments along the NC 115 corridor will provide safe access between neighborhoods and destinations.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood Center I Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Section 3, Uses & Structures with Additional Requirements.

TABLE 2-21: NEIGHBORHOOD CENTER I USE TABLE	
Residential Uses	
Residential	P
Residential Care Facility	AR
Commercial/Office/Retail Uses	
Commercial Services	P
Commercial, Primary	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	AR
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Cultural/Community Center	AR
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR
Gasoline Service S	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Center I Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-22: NEIGHBORHOOD CENTER I BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Townhouse	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work[1]	P	R	2 stories	3 stories
Institutional	P	R	2 stories	3 stories
Workplace	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Center I Planning Area.

TABLE 2-23: NEIGHBORHOOD CENTER I SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Townhouse	5	10	5[3]	10	5	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	0	0	0	10	NA	NA
Institutional[1]	0	20	0	NA	NA	NA
Workplace[1]	0	0	0	NA	NA	NA
Storefront[1]	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood Center I Planning Area.

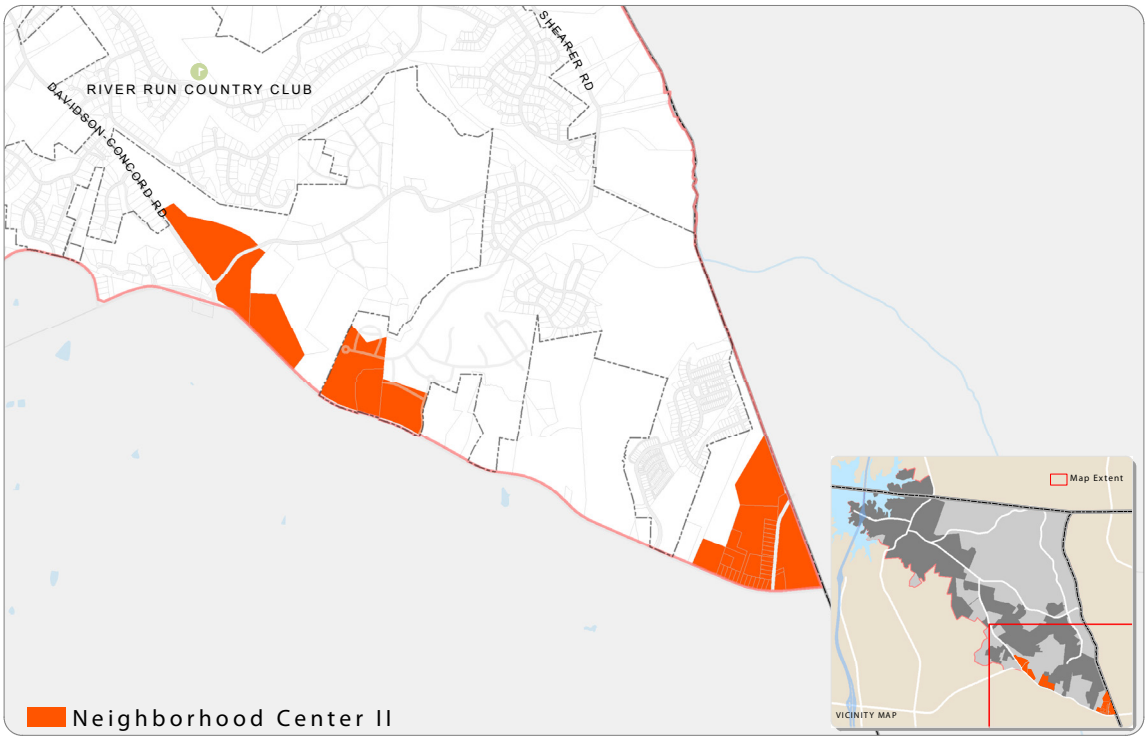
TABLE 2-24: NEIGHBORHOOD CENTER I OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	10%	NA

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood Center I Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.8 NEIGHBORHOOD CENTER II PLANNING AREA

A. DESCRIPTION

The Neighborhood Center II Planning Area is established to provide employment opportunities and commercial and retail services to our citizens and regional travelers along and near major thoroughfares. Development is encouraged to be compact and provide off-road pedestrian and bicycle facilities. These commercial nodes will accommodate the high volume of regional traffic along the corridors. The design of a required frontage parkway through developments along the NC 73 corridors will provide safe access between neighborhoods and destinations.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood Center II Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Section 3, Uses & Structures with Additional Requirements.

TABLE 2-25: NEIGHBORHOOD CENTER II USE TABLE	
Residential Uses	
Residential	P
Residential Care Facility	P
Commercial/Office/Retail Uses	
Commercial Services	P
Commercial, Primary	P
Commercial, Secondary	P
Gasoline Service Station	AR
Professional Services	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Micro-Brewery or Micro-Distillery	AR
Retail, Primary	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Cultural/Community Center	AR
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Religious Institution	AR
Research Laboratory	P
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Car Wash	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Center II Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

In non-contiguous land area within a planning area:

- A maximum of 70 percent of land area may be storefront, workplace, or institutional building types.
- A maximum of 50 percent of land area may be townhouse, multi-family, or live/work building types.

TABLE 2-26: NEIGHBORHOOD CENTER II BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Townhouse	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work[1]	P	R	2 stories	4 stories
Institutional	P	R	2 stories	4 stories
Workplace	P	R	2 stories	4 stories
Storefront	P	R	2 stories	4 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Center II Planning Area.

TABLE 2-27: NEIGHBORHOOD CENTER II SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Townhouse	5	10	5[3]	10	5	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	0	0	0	10	NA	NA
Institutional[1]	0	20	0	NA	NA	NA
Workplace[1]	0	0	0	NA	NA	NA
Storefront[1]	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood Center II Planning Area.

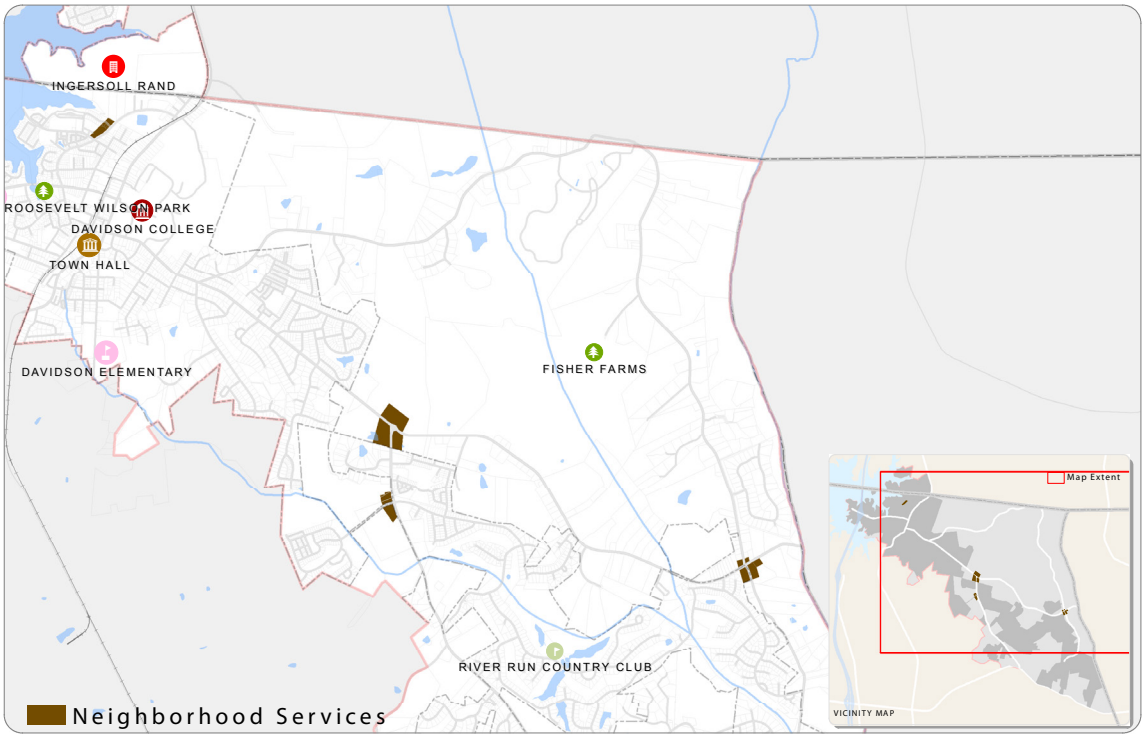
TABLE 2-28: NEIGHBORHOOD CENTER II OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	10%	NA

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood Center II Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.9 NEIGHBORHOOD SERVICES PLANNING AREA

A. DESCRIPTION

The Neighborhood Services Planning Area is established to create small nodes within residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Services Planning Area should be at a pedestrian scale with retail frontage.

B. PERMITTED USES

The following table establishes the permitted building types for the Neighborhood Services Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-29: NEIGHBORHOOD SERVICES USE TABLE	
Residential Uses	
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Commercial Services	P
Home Occupation	AR
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	AR
Recreation Facility, Outdoor	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Services Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-30: NEIGHBORHOOD SERVICES BUILDING TYPE TABLE				
Building Types*	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House[1]	P	R	2 stories	3 stories
Live/Work[2]	P	R	2 stories	3stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1] Within the Neighborhood Services Planning Area this building type is allowed only at the East Rocky River Rd. - Shearer Rd. designated commercial node.

[2]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

*Buildings located at the intersection of Shearer Rd. and East Rocky River Rd. shall be designed to be consistent with rural vernacular architecture precedents as described in the Rural Area Plan, RAP Action Item 7.6. The Storefront building type and the Detached House building type shall be constructed according to commercial building code standards, and are the only building types permitted on the intersection's four corners. Additional building types, as permitted by the ordinance, may be constructed within this area away but not within 100' feet of the right-of-way at the main intersection's four corners. Please see the Neighborhood Services Overlay District for more information.

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Services Planning Area.

TABLE 2-31: NEIGHBORHOOD SERVICES SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Live/Work	0	0	0	10	NA	NA
Storefront[1]	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood Services Planning Area.

TABLE 2-XX: NEIGHBORHOOD SERVICES OPEN SPACE TABLE

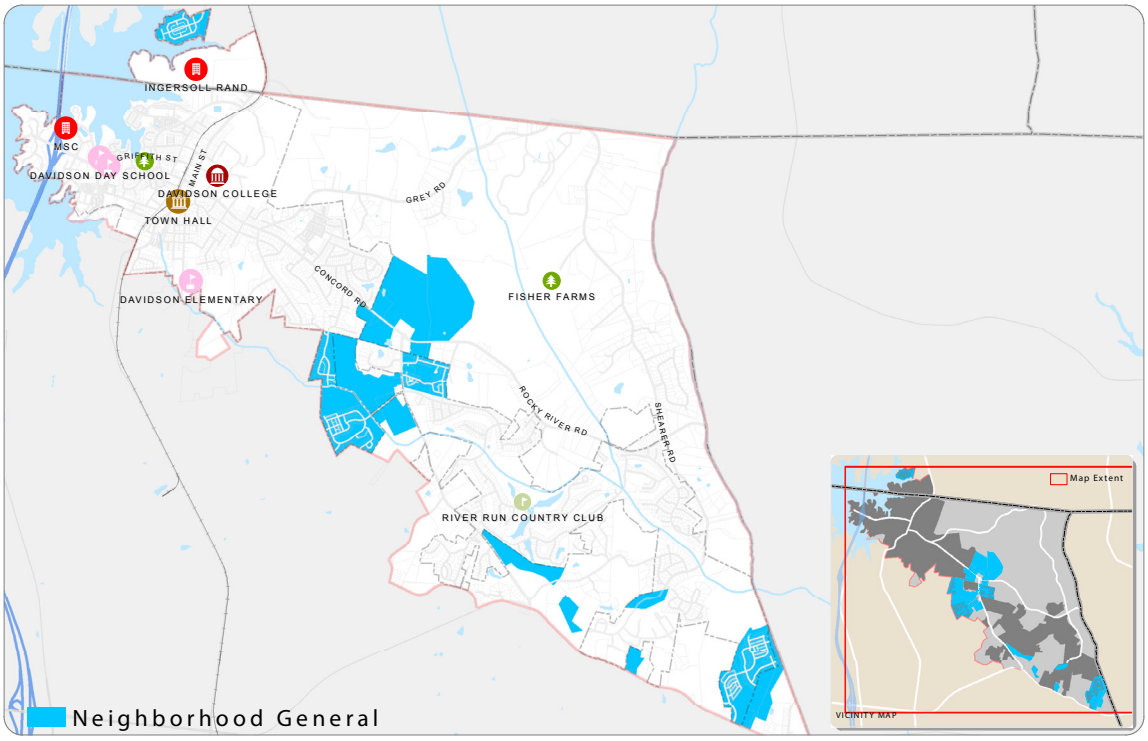
	Required % of Development	
Open Space	Minimum	Maximum
	5%	NA

3. **Density Requirements:** There are no density requirements in the Neighborhood Services Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations



2.2.10 NEIGHBORHOOD GENERAL PLANNING AREA

A. DESCRIPTION

The Neighborhood General Planning Area is established to accommodate medium density development with a variety of housing types within cohesive neighborhoods in close walking or biking proximity to Davidson's planned mixed-use nodes and employment centers. These neighborhoods should be designed at a pedestrian scale with parks and other public amenities as gathering places.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood General Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-32: NEIGHBORHOOD GENERAL USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Outdoor	AR
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood General Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

In the Neighborhood General Planning Area, no more than 70 percent of the units in each new development shall be detached building type and no more than 50 percent of the units in each new development shall be attached, townhouse, live work, or multi-family building type.

TABLE 2-33: NEIGHBORHOOD GENERAL BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Townhouse	P	R	2 stories	3 stories
Attached House	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work[1]	P	R	2 stories	3 stories
Institutional	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R – Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Neighborhood General Planning Area.

TABLE 2-34: NEIGHBORHOOD GENERAL SETBACK TABLE						
Building Types	Front Setback		Side Setback[2]		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	10	NA	3	NA	20	NA
Townhouse	5	10	5[3]	10	5	NA
Attached House	10	NA	3	NA	20	NA
Multi-family	0	10	0	NA	NA	NA
Live/Work	0	0	0	10	NA	NA
Institutional[1]	0	NA	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood General Planning Area.

TABLE 2-35: NEIGHBORHOOD GENERAL OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	20%	NA

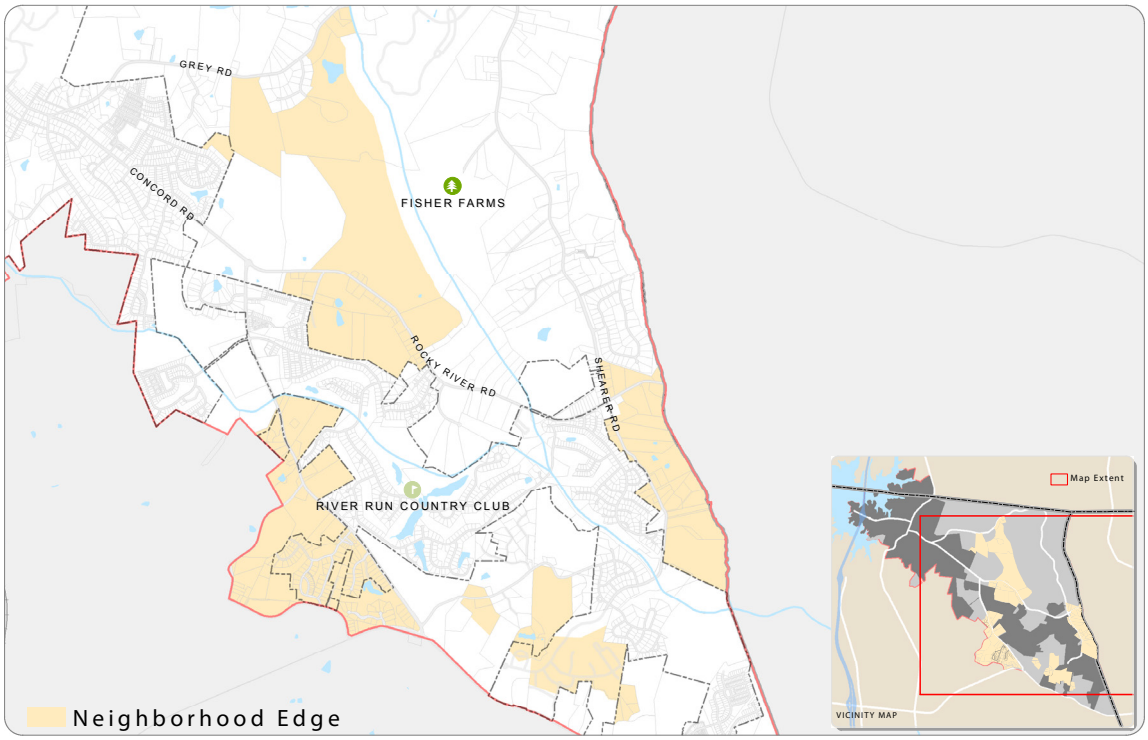
Natural and other topographic or environmental features may contribute to open space over and above the required 20 percent.

3. **Density Requirements:** There are no density requirements in the Neighborhood General Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood General Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.11 NEIGHBORHOOD EDGE PLANNING AREA

A. DESCRIPTION

The Neighborhood Edge Planning Area is established to transition between Davidson's urban areas and its rural periphery. Development in this planning area is low-density residential consisting primarily of single-family homes. Transportation systems, with an emphasis on greenways and bicycle or multi-use paths, should be evaluated to improve connectivity without jeopardizing sensitive natural features or viewsheds.

B. PERMITTED USES

The following table establishes the permitted uses for the Neighborhood Edge Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-36: NEIGHBORHOOD EDGE USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Outdoor	AR
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Neighborhood Edge Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

In the Neighborhood Edge Planning Area, no more than 90 percent of the units in each new development shall be single-family residential Detached House building type and no more than 30 percent of the units in each new development shall be duplex Detached House or Attached House building types.

TABLE 2-37: NEIGHBORHOOD EDGE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Attached House	P	R	1 story	3 stories
Institutional	P	R	2 stories	2 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Neighborhood Edge Planning Area.

TABLE 2-38: NEIGHBORHOOD EDGE SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	10	NA	3	NA	20	NA
Attached House	10	NA	3	NA	20	NA
Institutional[1]	0	NA	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Any encroachment into the public right-of-way is not permitted without an encroachment agreement.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Neighborhood Edge Planning Area.

TABLE 2-39: NEIGHBORHOOD EDGE OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	45%	NA

3. **Density Requirements:** There are no density requirements in the Neighborhood Edge Planning Area.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Neighborhood Edge Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

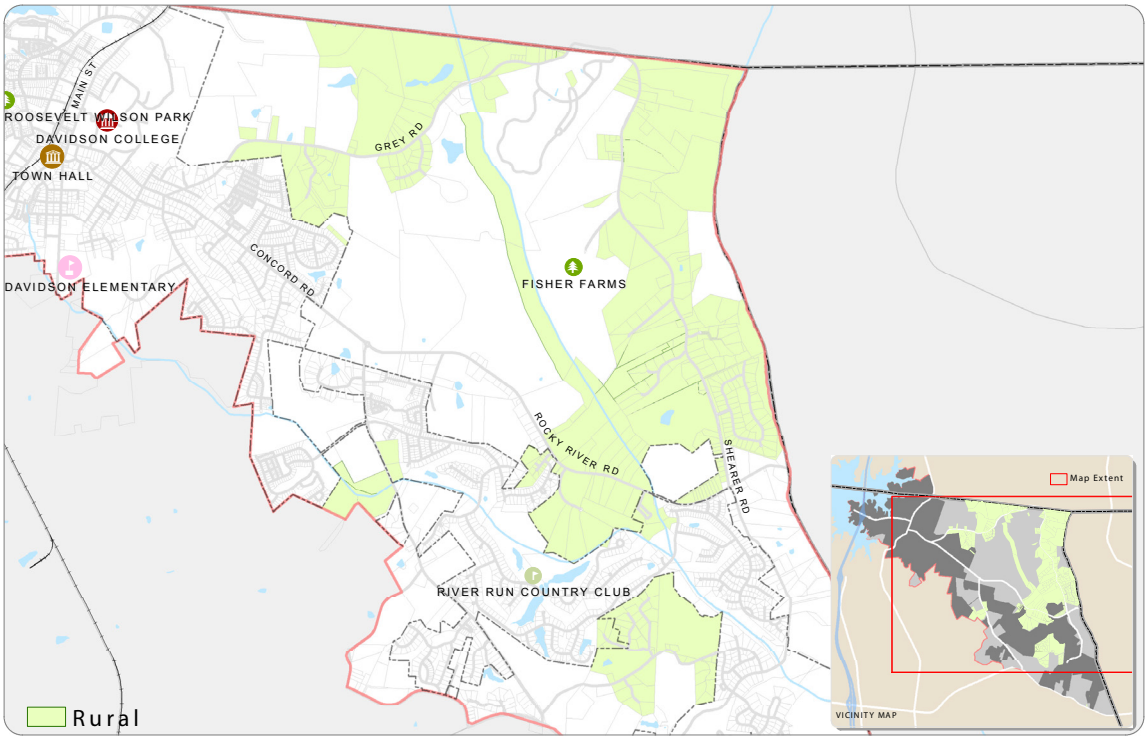
The following are additional development standards in the Neighborhood Edge Planning Area:

Lot Size Requirements:

A. Projects 50 Units or More:
   - Minimum of three different lot sizes required;
   - Minimum 15 foot variation in lot width;
   - Each lot size must comprise a minimum of 20 percent of the total lots in the project;
   - A minimum of 35 percent of the lots must be 60 feet or less.

B. Projects 49 Units or Less:

- Minimum of two different lot sizes required;
- Minimum 15 foot variation in lot width;
- Each lot size must comprise a minimum of 20 percent of the total lots in the project;
- A minimum of 50 percent of the lots must be 60 feet or less, and a maximum of 60 percent of the lots may be 60 feet or less.



2.2.12 RURAL PLANNING AREA

A. DESCRIPTION

The Rural Planning Area places a high priority on the preservation of active farmland, open space, and the rural landscape. Development should be limited to clustered, residential neighborhoods with emphasis on protection of natural features and environmentally sensitive areas. The extension of sewer infrastructure and the construction of new roads must be carefully planned to preserve the rural character.

B. PERMITTED USES

The following table establishes the permitted uses for the Rural Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-40: RURAL USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Day Care Home	AR
Family Care Home	P
Halfway Home	AR
Manufactured/Mobile Home	AR
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Civic/Educational/Institutional Uses	
Fire & Police Station	P
Recreation Facility, Outdoor	P
Religious Institution	AR
Transit Shelter	AR
Agricultural Uses	
Agriculture (includes Crop & Animal Production)	P
Community Garden	P
Farm Product Sales	P
Horse Farm	P
Stables/Riding Academy	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
Cemetery	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Rural Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited. (See Section 2.1.4) Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-41: RURAL BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Institutional	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Development Options: Two development options are permitted in the Rural Planning Area:**

   Option A: 1 unit per 2 acres + 50% open space with up to 16 permitted units.

   Option B: 1 unit per acre + 70% open space. At least 50% of the open space is required on-site with the balance permitted as either a payment-in-lieu or dedication of property off-site.

2. **Setback Requirements: The following table establishes the required setbacks for the Rural Planning Area.**

TABLE 2-42: RURAL SETBACK TABLE						
Building Types	Front Setback		Side Setback[2]		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	25	NA	15	NA	30	NA
Institutional[1]	25	NA	15	NA	30	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

3. **Open Space Requirements: The following table establishes the required open space for the Rural Planning Area.**

TABLE 2-43: RURAL OPEN SPACE TABLE		
	Required % of Development	
Open Space	Minimum	Maximum
Option A	50%	NA
Option B*	70%	NA
** 50% Min. On-Site; 20% Max. off-site dedication or payment-in-lieu permitted.*		

See Section 7 for information regarding open space and payment-in-lieu options.

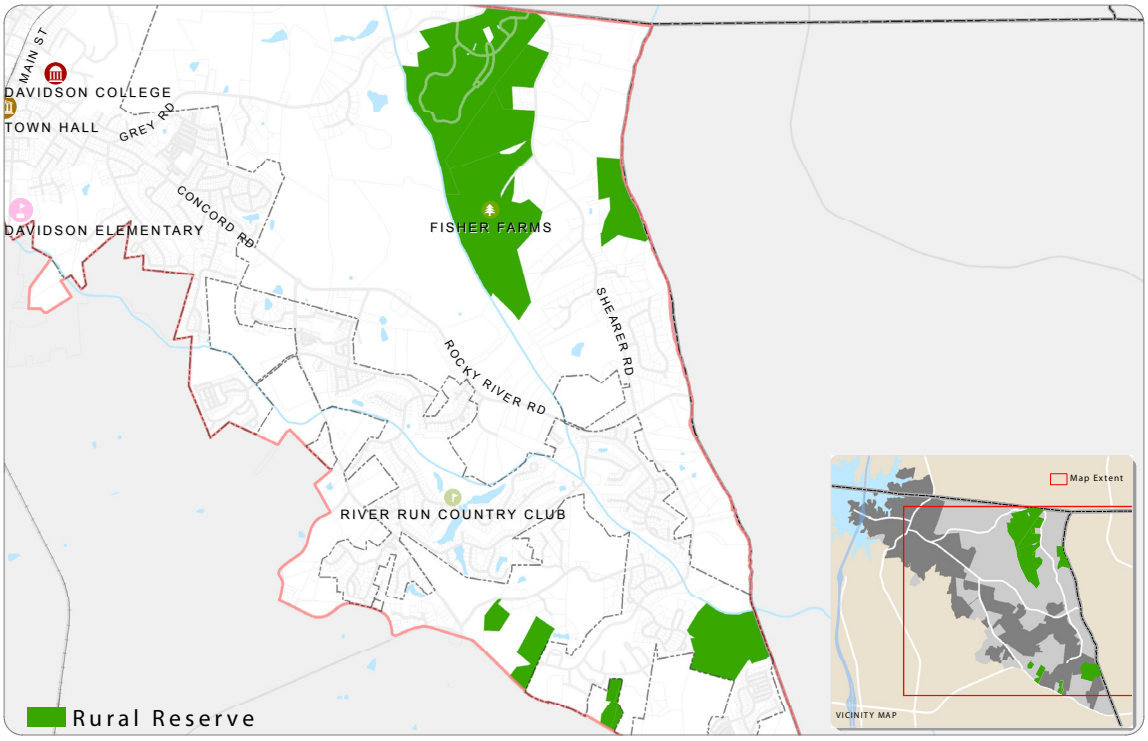
4. **Density Requirements: The following table establishes the allowable density requirements in the Rural Planning Area.**

TABLE 2-44: RURAL DENSITY TABLE		
Master Plan	Gross Density	Maximum Units per Acre
Option A	1 Unit per 2 Acres	Max. 16 Units*
Option B	1 Unit per Acre	NA
**If a project elects to construct affordable housing on-site, affordable units do not count towards the maximum permitted density in Option A and Option B.*		

E. DEVELOPMENT STANDARDS

For development standards applicable in the Rural Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.13 RURAL RESERVE PLANNING AREA

A. DESCRIPTION

The Rural Reserve Planning Area is established to preserve and protect valuable agricultural land, environmentally sensitive areas (e.g. floodways and wetlands), dedicated conservation areas, and properties under public ownership that are restricted for passive or active recreational use. Development in this planning area is only permitted to support the use of these areas as productive farmland and recreational amenities. Rural residential uses should be limited to those present at the time of the adoption of this ordinance.

The Rural Reserve Planning Area is a voluntary district and shall be established only at the request of the property owner. No further subdivision of land is permitted.

B. PERMITTED USES

The following table establishes the permitted uses for the Rural Reserve Planning Area. Uses not listed in the table below are presumed to be prohibited. (See Section 2.1.3) Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-45: RURAL RESERVE USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Manufactured/Mobile Home	AR
Residential	P
Commercial/Office/Retail Uses	
Home Occupation	AR
Agricultural Uses	
Agriculture (includes Crop & Animal Production)	P
Community Garden	P
Conservation Easement Uses	P[1]
Horse Farm	P
Stables/Riding Academy	AR
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

[1]Any use allowed by the conservation easement or master plan associated with the parcel.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Rural Reserve Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited. (See Section 2.1.4) Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-46: RURAL RESERVE BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Institutional*	P	R	-	-
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

*Any institutional building type allowed by the conservation easement or master plan associated with the parcel.

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Rural Reserve Planning Area.

TABLE 2-47: RURAL RESERVE SETBACK TABLE

Building Types	Front Setback		Side Setback[2]		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	25	NA	15	NA	30	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach up to 5'- 0" into the front setback area.

[1]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** The following table establishes the required open space for the Rural Reserve Planning Area.

TABLE 2-48: RURAL RESERVE OPEN SPACE TABLE

	Required % of Development	
Open Space	Minimum	Maximum
	40%	NA

3. **Density Requirements:** Density shall not exceed the existing density as of July 1, 2001.

[In Table, Ag. Uses]: Conservation Easement Uses1 (P)

[Below Table]: 1Any use allowed by the conservation easement or master plan associated with the parcel.

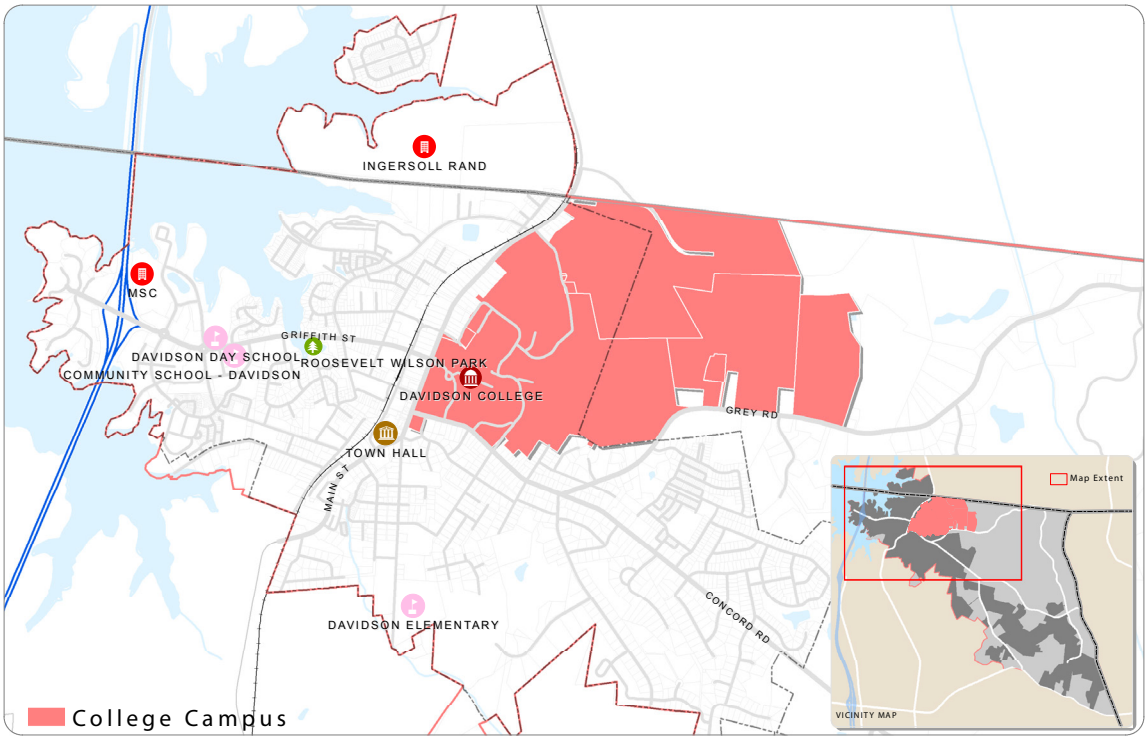
E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standards in the Rural Reserve Planning Area.

- The present use of the property may be enlarged or expanded; however, no more than one detached house and its related accessory uses is permitted on each lot of record.
- No further subdivision of land is permitted.



2.2.14 COLLEGE CAMPUS PLANNING AREA

A. DESCRIPTION

The College Campus Planning Area is established to provide for the ongoing use and expansion of Davidson College within a traditional academic campus environment. Development in this planning area promotes the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the residential and historic areas.

B. PERMITTED USES

The following table establishes the permitted uses for the College Campus Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-49: COLLEGE CAMPUS USE TABLE	
Residential Uses	
Bed & Breakfast	AR
Dormitory	P
Family Care Home	P
Residential	P
Commercial/Office/Retail Uses	
Arena/Stadium	P
Conference Center	P
Home Occupation	AR
Hotel/Inn	P
Research Laboratory	P
Retail, Secondary	P
Civic/Educational/Institutional Uses	
Cemetery	P
College/University	P
Cultural/Community Center	P
Day Care Center	P
Fire & Police Station	P
Hospital	P
Recreation Facility, Indoor	P
Recreation Facility, Outdoor	P
Religious Institution	AR
Transit Shelter	AR
Vocational School	AR
Agricultural Uses	
Agriculture (includes Crop & Animal Production)	P
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Essential Services II	AR
Essential Services III	AR
Solar Farm	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Accessory Dwelling	AR
TABLE 2-49: COLLEGE CAMPUS USE TABLE	
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements
*Use must be approved by the Planning Director

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the College Campus Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited. (See Section 2.1.4) Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-50: COLLEGE CAMPUS BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Detached House	P	-	1 story	3 stories
Townhouse	P	R	2 stories	3 stories
Attached House	P	R	2 stories	3 stories
Multi-family	P	R	2 stories	3 stories
Live/Work[1]	P	R	2 stories	3 stories
Institutional	P	R	2 stories	NA
Workplace	P	R	2 stories	NA
Storefront	P	R	2 stories	NA
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

R = Required, P = Permitted

[1]At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the College Campus Planning Area.

TABLE 2-51: COLLEGE CAMPUS SETBACK TABLE

Building Types	Front Setback		Side Setback[2]		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	10	NA	3	NA	20	NA
Townhouse	5	NA	5[3]	10	5	NA
Attached House	10	NA	3	NA	20	NA
Multi-family	0	NA	0	NA	NA	NA
Live/Work	0	NA	0	10	NA	NA
Institutional[1]	0	NA	0	NA	NA	NA
Workplace[1]	0	NA	0	NA	NA	NA
Storefront[1]	0	0	0	10	NA	NA
Accessory Structure	†	†	†	†	†	†

Setbacks are measured in feet.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

[2]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

[3]Side setbacks apply only to a townhome side wall that is not shared with another townhome wall.

†See Section 4.5.8 for permitted location and setbacks of accessory structures.

2. **Open Space Requirements:** There are no open space requirements in the College Campus Planning Area.

3. **Density Requirements:** There are no density requirements in the College Campus Planning Area.

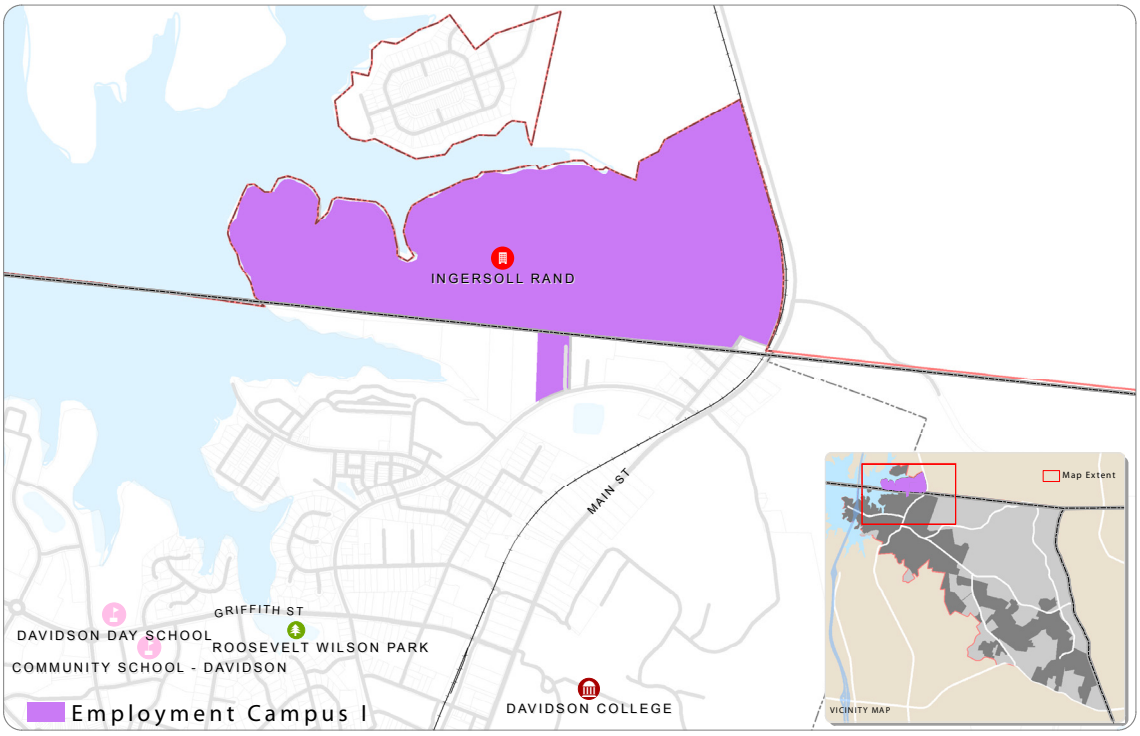
E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

F. SIGNAGE

All signs must comply with Section 11 – Signs. However, building name signs in the College Campus Planning Area may be permitted up to 60 square feet and may be placed above 18 feet.



2.2.15 EMPLOYMENT CAMPUS I PLANNING AREA

A. DESCRIPTION

The Employment Campus I is established to protect the existing business campus and encourage its expansion and the development of support services. The Employment Campus I offers a unique opportunity to provide multi-modal transportation facilities connecting northern neighborhoods to town center.

B. PERMITTED USES

The following table establishes the permitted uses for the Employment Campus I Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses with Additional Requirements.

TABLE 2-52: EMPLOYMENT CAMPUS I USE TABLE	
Commercial/Office/Retail Uses	
Commercial, Primary, Secondary, and Services	AR
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	P
Retail, Primary	AR
Retail, Secondary	AR
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	P
Recreation Facility, Outdoor	P
Transit Shelter	AR
Industrial/Wholesale/Storage	
Brewery, Large	AR
Manufacturing, Heavy	AR
Manufacturing, Light	P
Wholesale Establishment	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Employment Campus I Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-53: EMPLOYMENT CAMPUS I BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Workplace	P	R	2 stories	NA
Storefront	P	R	2 stories	NA

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Employment Campus I Planning Area.

TABLE 2-54: EMPLOYMENT CAMPUS I SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Workplace[1]	0	0	0	40	NA	NA
Storefront[1]	0	0	0	40	NA	NA

Setbacks are measured in feet.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Employment Campus I Planning Area

TABLE 2-55: EMPLOYMENT CAMPUS I OPEN SPACE TABLE		
	Required % of Development	
Open Space	Minimum	Maximum
	35%	NA

3. **Density Requirements:** There are no density requirements in the Employment Campus I Planning Area.

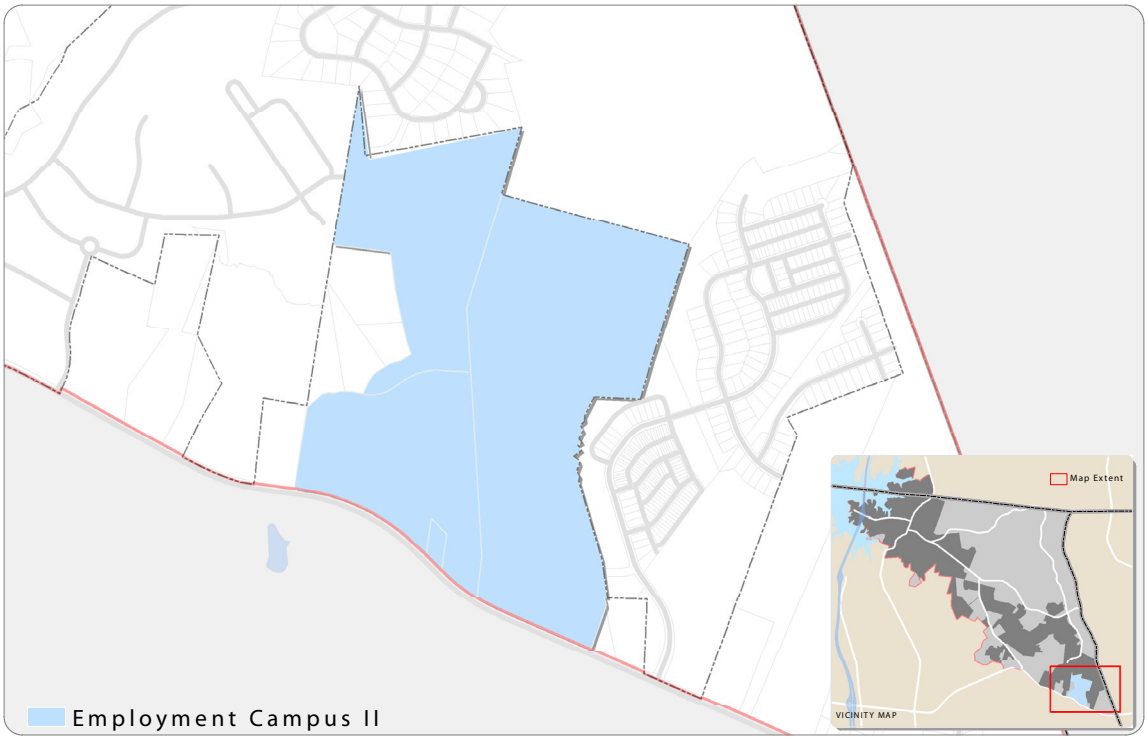
E. DEVELOPMENT STANDARDS

For development standards applicable in the Employment Campus I Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations

The following are additional development standards in the Employment Campus I Planning Area.

1. An interconnecting network of internal streets and paths shall be designed to accommodate various uses and transportation modes.
2. Building sites shall be established so as to minimize their impact on the landscape of the area, preserving viewsheds and unique natural features by containing buildings in a clustered campus format.
3. Roads parallel to NC 115 shall include adequate bicycle and pedestrian facilities along the length of the corridor. The specific bicycle and pedestrian facility types shall be determined as part of the site planning process.



2.2.16 EMPLOYMENT CAMPUS II PLANNING AREA

A. DESCRIPTION

Employment Campus II Planning Area is established to allow the development of employment-based uses such as corporate offices, light manufacturing and other uses that contribute to the creation of a regional employment center. Because of the presence of a high number of employees, these developments should be designed in a manner that accommodates pedestrian, bicycles, and public transit.

B. PERMITTED USES

The following table establishes the permitted uses for the Employment Campus II Planning Area. For Uses not listed in the Use Table, please see 2.1.3. Additional requirements are set out in Chapter 3, Uses & Structures with Additional Requirements.

TABLE 2-56: EMPLOYMENT CAMPUS II USE TABLE	
Commercial/Office/Retail Uses	
Commercial, Primary	P
Commercial, Secondary	P
Commercial, Services	P
Micro-Brewery or Micro-Distillery	AR
Professional Services	P
Research Laboratory	P
Retail Primary	AR
Retail Secondary	AR
Civic/Educational/Institutional Uses	
Daycare Center	AR
Fire & Police Station	P
Recreation Facility, Indoor	P
Transit Shelter	AR
Industrial/Wholesale/Storage	
Brewery, Large	AR
Manufacturing, Light	P
Wholesale Establishment	AR
Agricultural Uses	
Community Garden	P
Infrastructure Uses	
Essential Services I	AR
Accessory Uses	
Use customarily accessory to the principal use	P*
Automatic Teller Machine (ATM)	AR
Containment Devices for trash & recyclables	AR

P = Permitted, AR = Permitted with Additional Requirements

*Use must be approved by the Planning Director.

C. PERMITTED BUILDING TYPES

The following table establishes the permitted building types for the Employment Campus II Planning Area. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements are set out in Section 4, Site & Building Design Standards.

TABLE 2-57: EMPLOYMENT CAMPUS II BUILDING TYPE TABLE				
Building Types	Allowance	Design Review	Height	
			Minimum	Maximum
Workplace	P	R	2 stories	5 stories
Storefront	P	R	2 stories	5 stories

R = Required, P = Permitted

D. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Employment Campus II Planning Area.

TABLE 2-58: EMPLOYMENT CAMPUS II SETBACK TABLE						
Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Workplace[1]	0	0	0	40	NA	NA
Storefront[1]	0	0	0	40	NA	NA

Setbacks are measured in feet.

[1]Pedestrian features such as plazas, stoops, walks, and sidewalk cafes, etc., are included as part of the front and side setback areas.

2. **Open Space Requirements:** The following table establishes the required open space for the Employment Campus II Planning Area.

TABLE 2-59: EMPLOYMENT CAMPUS II OPEN SPACE TABLE		
	Required % of Development	
Open Space	Minimum	Maximum
	35%	NA

3. **Density Requirements:** There are no density requirements in the Employment Campus II Planning Area.

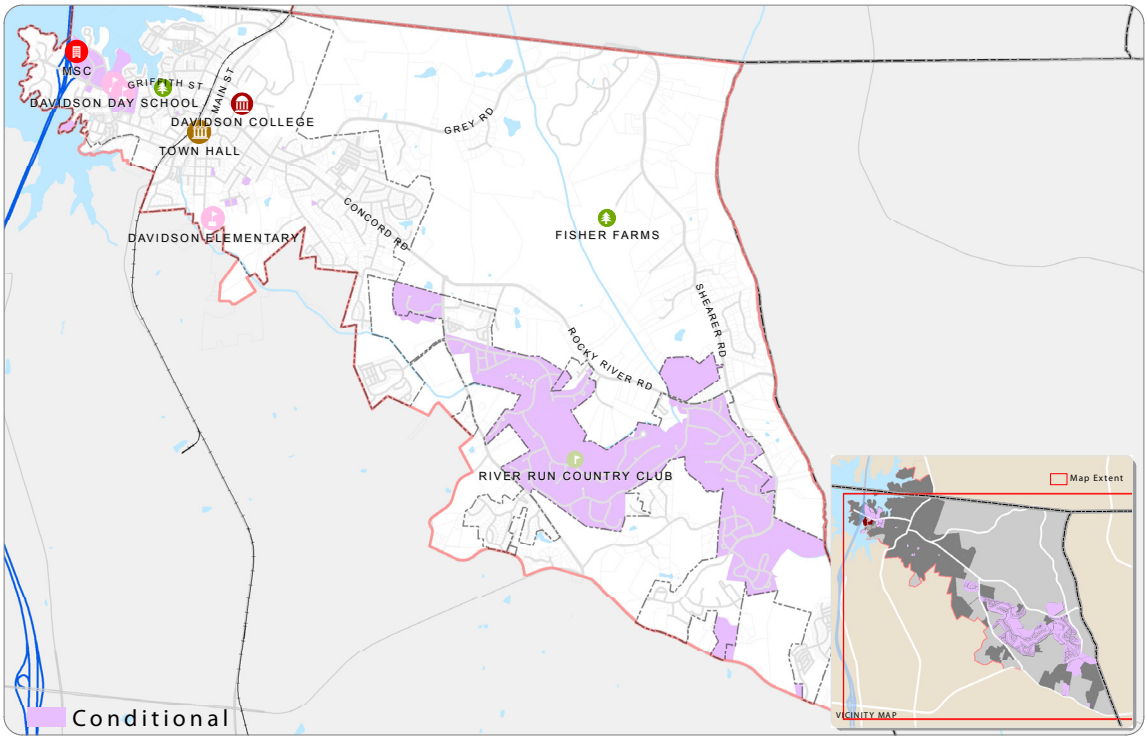
4. **Additional Requirements:** The following are additional development standards in the Employment Campus II Planning Area.
   - An interconnecting network of internal streets shall be designed to accommodate the various uses.

- The street network shall be designed in a manner to facilitate bus transit. Front doors shall be located to provide easy access to the interior of buildings from public transit stops.
- The interior core of the development shall maintain a well-designed open space network to give prominence to important structures and allow for pedestrian circulation.
- Building sites shall be established so as to minimize their impact on the landscape of the area, preserving viewsheds and unique historical or natural features by containing buildings in a clustered campus format.
- NC 73 Standards
    - Where the Employment Campus II Planning Area is adjacent to the parallel road along NC 73 or Davidson-Concord Road, development must comply with right-of-way required by NCDOT for future road and intersection improvements.
    - In the Employment Campus II Planning Area, buildings may be placed between the parallel road and NC 73. All buildings along and between the parallel road and NC 73 must have a zero-foot front setback from the parallel road.
    - Roads parallel to NC 73 shall include adequate bicycle and pedestrian facilities along the length of the corridor. The specific bicycle and pedestrian facility types shall be determined as part of the site planning process.

E. DEVELOPMENT STANDARDS

For development standards applicable in the Lakeshore Planning Area, see the following sections:

- Section 4, Site & Building Design Standards
- Section 5, Affordable Housing
- Section 6, Subdivision & Infrastructure
- Section 7, Parks & Open Space
- Section 8, Parking & Driveways
- Section 9, Tree Preservation, Landscaping & Screening
- Section 10, Lighting
- Section 11, Signs
- Section 17, Watershed Protection Regulations
- Section 18, Floodplain Regulations
- Section 21, Stream Buffer Regulations



2.2.17 CONDITIONAL PLANNING AREA

A. DESCRIPTION

Because of the nature, scale, or location, or particular impacts on the immediate areas, as well as the community as a whole, a Conditional Planning Area is established to add flexibility to the planning and development process, but at the same time create additional controls which can establish specific development standards to insure quality development.

B. PURPOSE

Conditional Planning Areas may be established for the purpose of allowing innovative planning or design ideas for development in any planning area.

In some instances, such development proposals may not be adequately accommodated by the base planning areas. In accordance with NCGS 160A-382, 384 and 385 the provisions set forth in Section 14 establish a legislative, conditional rezoning process for property within the town's planning jurisdiction.

C. PROCEDURE

Conditional Planning Areas may be based on any district, but are not intended to relieve hardships that would otherwise be handled using a variance procedure. A Conditional Planning Area application must be made by the owners of the property or their authorized agents in accordance with the procedures established in Section 15.

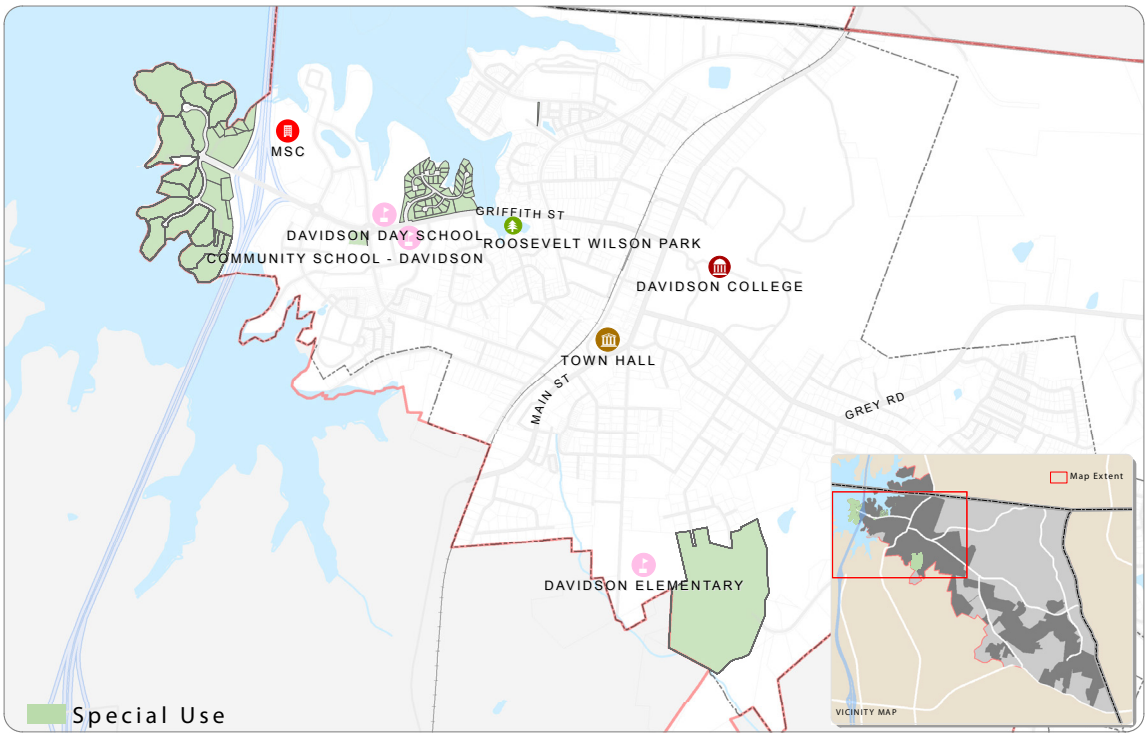
D. DEVELOPMENT STANDARDS

Within a Conditional Planning Area, petitioners may request modifications to the specific standards of the underlying base planning area with the following exceptions:

If no specific request is made by the petitioner to the change in the development

standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

If the Conditional Planning Area is approved, the all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions.



2.2.18 SPECIAL USE PLANNING AREA

A. DESCRIPTION

The special use planning area is established for areas that are subject to special use permits issued prior to the adoption of this ordinance. One purpose of this planning area is to make uses and structures within a special use planning area, which comply with the special use permit, conforming uses and structures.

B. PERMITTED USES

The permitted uses within each special use planning area are those uses which are allowed under the special use permit issued with respect to such planning areas, subject to any and all conditions, restrictions or limitations contained in the special use permit.

C. PERMITTED BUILDING TYPES

The permitted building types within each special use planning area are those uses which are allowed under the special use permit issued with respect to such planning area, subject to any and all conditions, restrictions or limitations contained in the special use permit.

D. DEVELOPMENT STANDARDS

Development standards are prescribed in the respective special use permit. For standards and regulations not prescriptive in the respective Special Use Planning Area the standards and regulations of this ordinance shall apply.

E. AMENDMENT AND EXPANSION

The special use permit shall not be amended nor shall the uses or buildings be expanded from the detailed plans approved in connection with the issuance of the special use permit. Any amendments or expansion of the uses or buildings within a special use planning area shall require a rezoning of the property, including the rezoning to a conditional planning area.

2.3 OVERLAY DISTRICTS

2.3.1 OVERLAY DISTRICTS ESTABLISHED

An overlay district is a separate set of regulations applied to a specific geographic area for the purpose of managing certain environmentally sensitive, culturally/historically significant, and/or visually important community resources. An overlay district may grant additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying base planning area. Where overlay districts are applied, the underlying base planning are and the overlay district together will control development. If there is conflict between the requirements of the base planning area and the requirements of the overlay district, the requirements of the overlay district shall take precedence. There are hereby established eight overlay districts as follows:

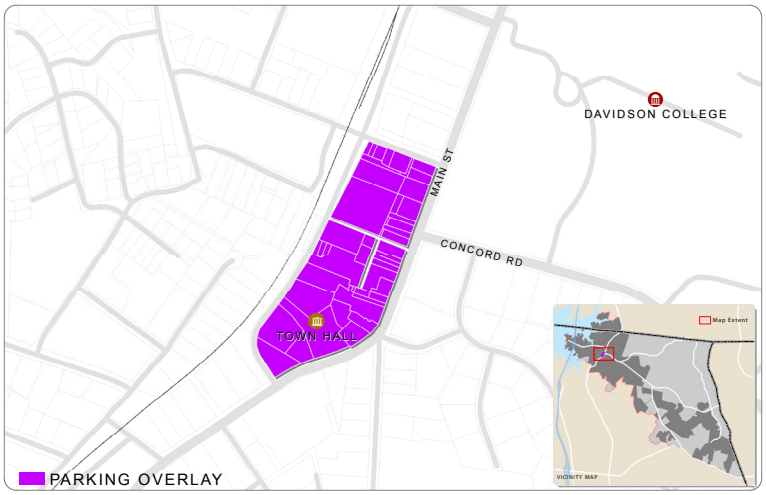
- VH-O: Village Height Overlay
- VP-O: Village Parking Overlay
- VI-O: Village Infill Overlay
- LH-O: Local Historic Overlay
- RF-O: Retail Frontage Overlay
- SB-O: Stream Buffer Overlay
- WP-O: Watershed Protection Overlay
- F-O: Floodplain Overlay
- SB-O: Scenic Byway Overlay
- NS-O: Neighborhood Services Overlay

2.3.2 (VH-O) VILLAGE HEIGHT OVERLAY DISTRICT

The Village Height Overlay District: Buildings shall have a height no taller than three stories. In the Village Height Overlay District as depicted on Map 2.3.2.

A. Purpose: The purpose of the Village Height Overlay District is to preserve the character of Main Street Davidson by limiting building heights in the historic downtown core.

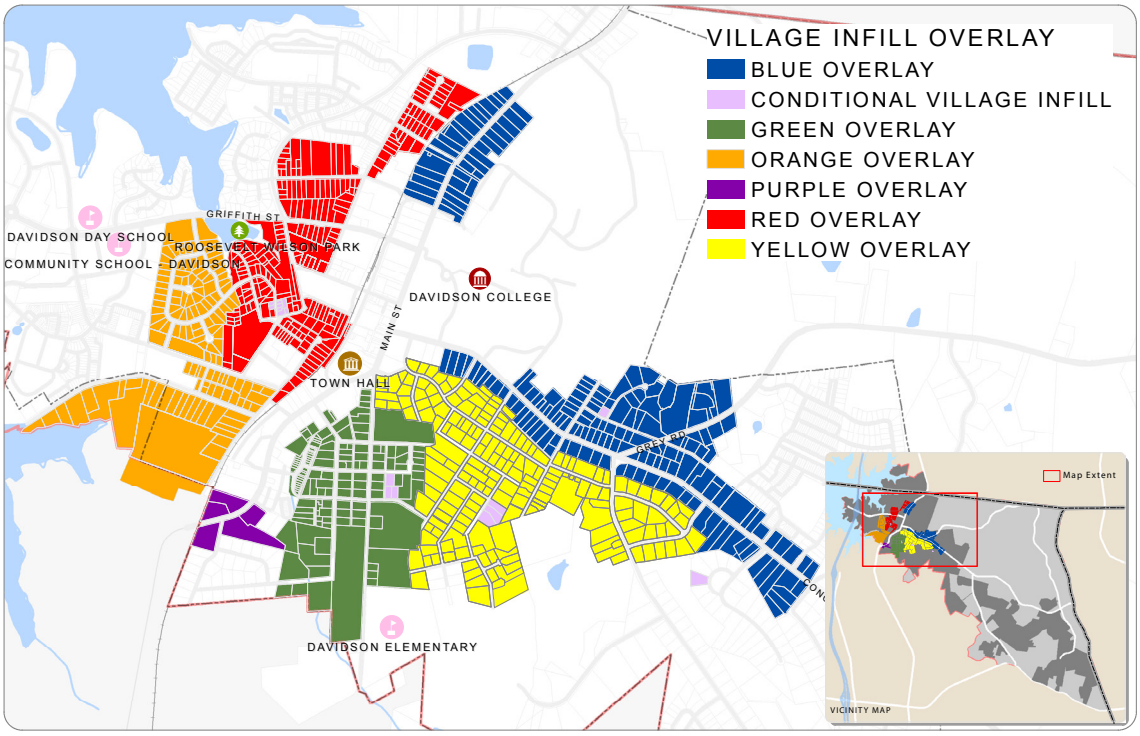
B. Standards: In the Village Height Overlay District, buildings shall have a height no taller than three stories as depicted on the Village Height Overlay District Map.



2.3.3 (VP-O) VILLAGE PARKING OVERLAY DISTRICT

A. Purpose: The purpose of the Village Parking Overlay District is to provide an option for payment in lieu of providing required onsite parking.

B. Standards: Payments in lieu may be provided according to the Schedule of Fees/ Payments adopted by the Board of Commissioners for required parking in the Village Parking Overlay District, as depicted on the Village Parking Overlay District Map.



2.3.4 (VI-O) VILLAGE INFILL OVERLAY DISTRICTS

A. PURPOSE

The Village Infill Overlay District is established to preserve the character of the older parts of Davidson as defined by the Village Infill Overlay Districts. The town's historic core cannot remain static, but its existing character is worth preserving. It is acceptable for new houses to be larger than older ones, but not so much larger as to threaten neighborhood character. Development in the Village Infill Overlay District should:

- Remind one of the surrounding neighborhood;
- Recognize the built environment;
- Have a human scale; and
- Preserve significant trees;

B. DISTRICTS

- Village Infill Overlay – Red
- Village Infill Overlay – Orange
- Village Infill Overlay – Yellow
- Village Infill Overlay – Green
- Village Infill Overlay – Blue
- Village Infill Overlay – Purple

The Village Infill Overlay District is depicted on Map 2.3.4.

C. PERMITTED USES

The permitted uses within each Village Infill Overly District are those uses which are allowed in the underlying planning area.

D. BUILDING TYPES

The permitted building types within each Village Infill Overlay District are those uses which are allowed in the underlying planning area.

The following table establishes the maximum height of the primary structure in a Village Infill Overlay District. The height of the structure is measured from the finished floor elevation of the façade facing the street to the ridgeline or the highest point of the roof (where there is no ridgeline), excluding chimneys and basements. Accessory structures shall be as outlined in Section 4.

TABLE 2-60: VILLAGE INFILL OVERLAY HEIGHT TABLE

Overlay District	Maximum
Red	35′
Orange	32′
Yellow	32′
Green	32′
Blue	35′
Purple	35′

E. SITE DESIGN STANDARDS

1. **Setback Requirements:** The following table establishes the required setbacks for the Village Infill Overlay District.

TABLE 2-61: VILLAGE INFILL OVERLAY SETBACK TABLE

Front Setback	Side Setback[1]	Rear Setback
Front setbacks shall be the same as for the Village Infill Planning Area	The side setbacks shall be at a minimum the same as the Village Infill Planning Area. In addition, the total of both side yard setbacks shall be equal to or greater than 30% of the property's street frontage	Rear setbacks shall be the same as for the Village Infill Planning Area.

Setbacks are measured in feet.

[1]On corner lots, the minimum and maximum side setback requirements shall be the same as the front setback requirements.

2. Single-family detached homes in each overlay district shall face the street and have a pedestrian access (walkway) connecting the front of the house to the street.

F. FLOOR TO AREA RATIO

An addition of 250 or more square feet to the exterior of an existing house (as of the adoption of this ordinance) or any new house construction within the Village Infill Overlay districts shall require compliance with Floor to Area Ration (FAR) maximums.

Square footage counted toward FAR calculations shall include heated floor space within the primary structure, attached garage space, and any space above an attached garage whether heated or not, but not including finished basements. See Definitions for more information. Renovations of interior spaces not affecting the exterior of the house or external additions without floor or roof are not subject to design and size restrictions.

The owner/applicant may choose to build the maximum square footage allowed for a property in a smaller lot size category.

TABLE 2-62: VILLAGE INFILL OVERLAY FLOOR TO AREA RATIO TABLE

Lot Size	Red	Orange	Yellow	Green	Blue	Purple
Less than 6,000	0.42	0.39	0.38	0.42	0.42	0.40
6,000 to less than 10,000	0.33	0.31	0.31	0.3	0.35	0.30
10,000 to less than 15,000	0.23	0.21	0.25	0.23	0.27	0.25
15,000 to less than 21,000	0.17	0.16	0.19	0.17	0.20	0.20
21,000 to less than 28,000	0.13	0.13	0.15	0.14	0.16	0.17
28,000 or more square feet	0.10	0.11	0.12	0.11	0.13	0.14

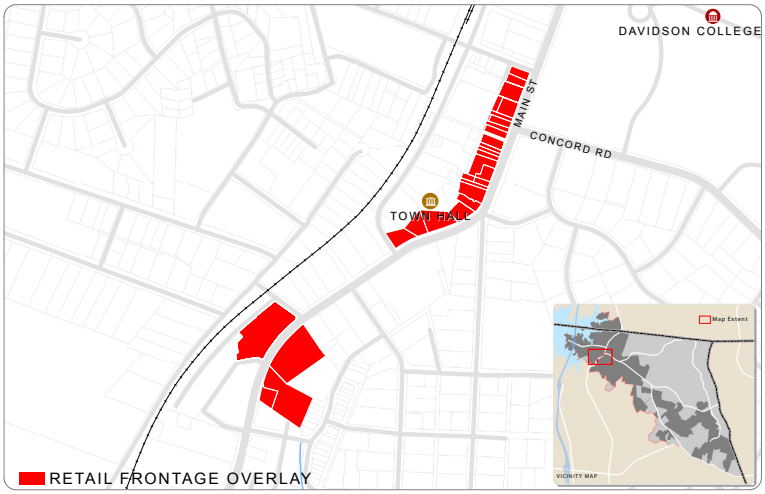
* A principal structure constructed in the village infill overlay district shall be designed in proportion to the size of the lot as described in the following chart. A detached house may be built with a total floor area of 1,500 square feet or not to exceed the maximum FAR as calculated in the chart. The owner/applicant may choose to build the maximum floor area allowed for a property in a smaller lot size category.

Lot size is measured in square feet.

2.3.5 (LH-O) LOCAL HISTORIC OVERLAY DISTRICT

A. **Purpose:** Davidson's historic district has a unique sense of place. It is a legacy that links present and future residents with the community's past and provides a diversity vital to the town's quality of life. Local historic district designation is designed to protect and enhance the existing character of Davidson's historic district. The overlay zoning protects the district from unmanaged change through a review process based on established guidelines.

B. **Standards:** Buildings in the local historic district must meet the requirements in Section 4 and Section 22. If there are conflicts, the stricter regulation takes precedence.



2.3.6 (RF-O) RETAIL FRONTAGE OVERLAY DISTRICT

A. **Purpose:** The Retail Frontage Overlay District is established to create vibrant, pedestrian-friendly streetscapes in vmixed-use and commercial environments

B. **Standards:** for all new development, redevelopment and changes of use, retail use(s), as defined, are required on the ground-level of all structures within the Retail Frontage Overlay District.

The front 35 feet of all buildings (measured from the facade at the primary front street) in the Retail Frontage Overlay District must be a retail use.

2.3.7 (SB-0) STREAM BUFFER OVERLAY STANDARDS

A. **Purpose:** The Stream Buffer Overlay District is established to protect the physical integrity of the stream ecosystems and to ensure that streams and their adjacent lands fulfill their natural functions.

B. **Standards:** The development standards for areas within the Stream Buffer Overlay District are outlined in Section 21.

2.3.8 (WP-0) WATERSHED PROTECTION OVERLAY STANDARDS

A. **Purpose:** The Watershed Protection Overlay District is established to preserve water quality in the Davidson's water supply watersheds in order to provide safe drinking water for present and future residents.

B. **Applicability:** The Watershed Protection Overlay District encompasses those areas within Davidson's zoning jurisdiction which are designated by the North Carolina Environmental Management Commission as Water Supply Watersheds.

C. **Standards:** The development standards for areas within the Watershed Protection Overlay District watershed are outlined in Section 17.

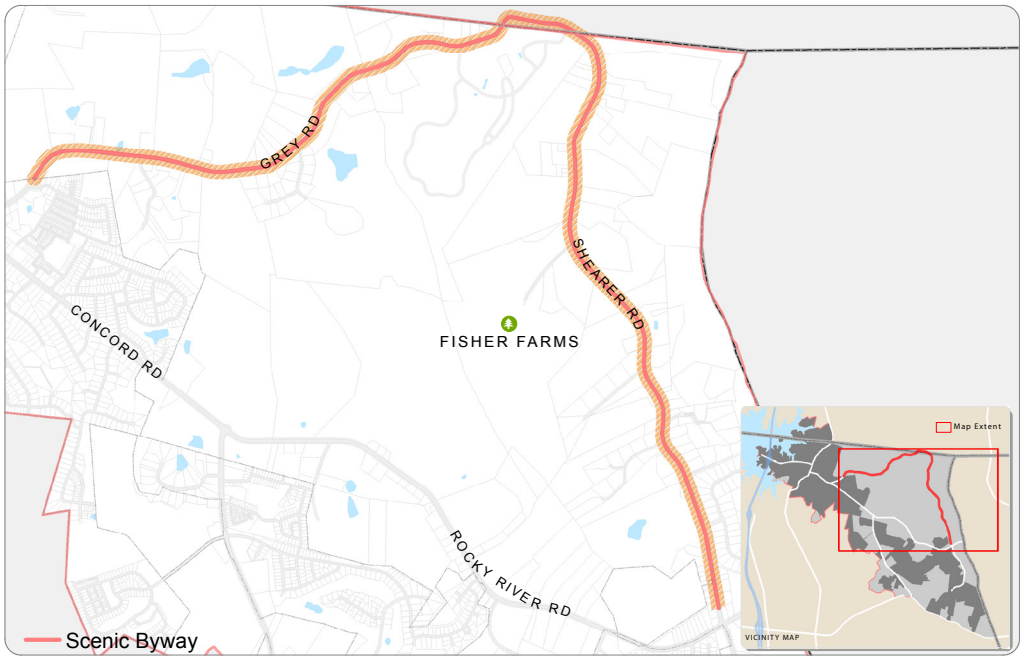
2.3.9 (F-0) FLOODPLAIN OVERLAY STANDARDS

A. **Purpose:** The Floodplain Overlay District is established to protect public health, safety and general welfare in the areas of Davidson that are prone to periodic flooding and to minimize public and private losses due to such flooding.

B. **Applicability:** The Floodplain Overlay District encompasses those areas within Davidson's zoning jurisdiction which are designated as Community Special Flood Hazard Areas on the Flood Insurance Rate Maps (FIRM) or any FEMA/locally approved revisions thereto.

C. **Standards:** The development standards for areas within the Floodplain Overlay District watershed are outlined in Section 18.

Any space above an attached garage whether heated or not, but not including finished basements. See Definitions for more information. Renovations of interior spaces not affecting the exterior of the house or external additions without floor or roof are subject to design and size restrictions.



2.3.10 (SB-O) SCENIC BYWAY OVERLAY STANDARDS

A. Purpose: The Scenic Byway Overlay District is established to preserve and enhance the rural character of Grey Rd. and Shearer Rd. north of East Rocky River Rd.

B. Applicability: The Scenic Byway Overlay District encompasses Grey Rd. north of Wolfe St. and Shearer Rd. north of the Neighborhood Services Overlay District.

C. Standards:

1. Setbacks:

   a. Front building setbacks for a single-family Detached House shall be 80 feet minimum; setbacks for all other development types shall be 150 feet minimum. These standards apply to new development; existing non-conforming buildings may not increase the building's non-conforming front setback. Balconies, stoops, stairs, open porches, and awnings are permitted to encroach up to ten feet into the front setback area.

   b. Development located on the east side of Shearer Road north of Maple Way Drive shall provide a minimum wooded buffer measuring at least 85 feet from the right-of-way. This applies to all development involving more than one single-family Detached House.

2. Landscape Elements: If fencing is proposed in the front setback of a detached house or along road frontages within the development setback it must be a wooden fence row or split rail type.

3. Street Section: For required street sections see Section 6 for a list of streets included in the Rural Area's Plan Scenic Byway Overlay.

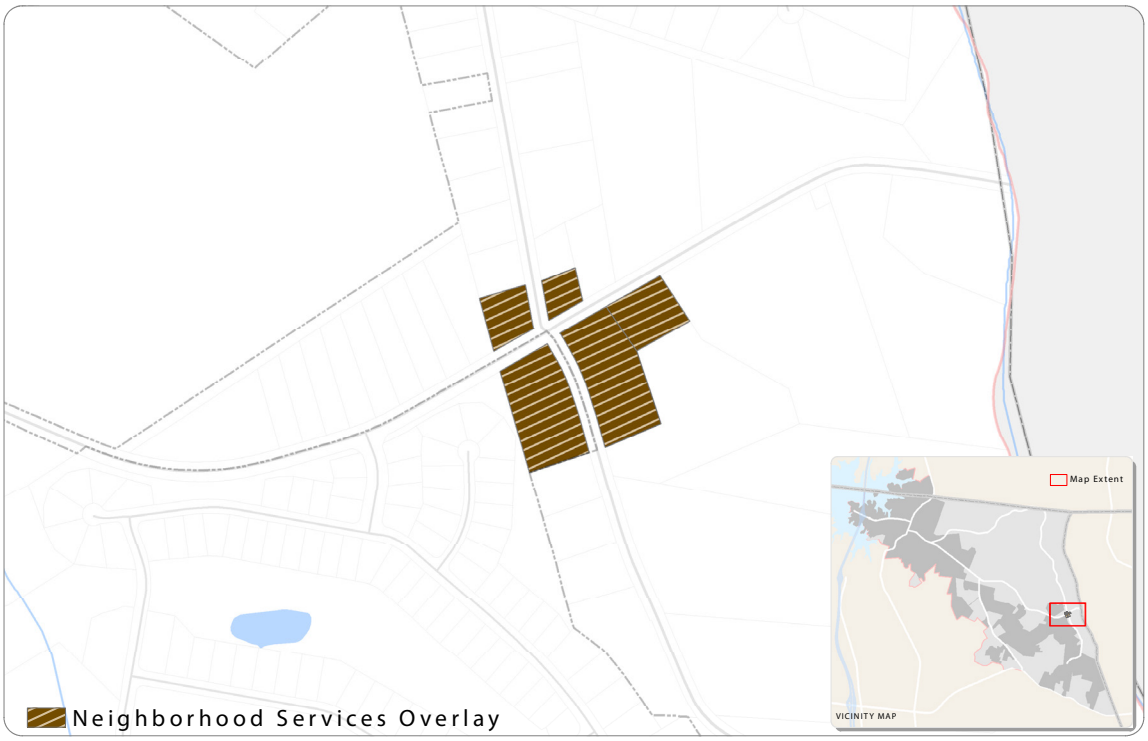
4. Multi-Use Path: All new development, including detached houses, located on the south side of Grey Rd. or the west side of Shearer Rd. within the Scenic Byway Overlay district shall contribute to multi-use path dedication in

the following ways:

a. Dedication of public access easement area and construction of a multi-use path in accordance with Mecklenburg County standards;

b. Dedication of public access easement area for a multi-use path in accordance with Mecklenburg County standards, and payment-in-lieu in accordance with the Town's adopted fee schedule.

*All development of more than one single-family Detached House must pursue 2.3.10.C.4.A. For existing individual single-family Detached Houses these standards shall apply wherein modifications (including alterations, repairs, additions, or replacement) undertaken to the principal use exceed 50 percent of the structure's assessed value for tax purposes.



2.3.11 (NS-O) NEIGHBORHOOD SERVICES OVERLAY STANDARDS

A. Purpose: The Neighborhood Services Overlay District is established to preserve and enhance the rural character of the Shearer Rd. - East Rocky River Rd. intersection as a rural crossroads with residential and commercial development. Like other Neighborhood Services areas, the aim is to create small nodes within or near residential development that increase walkability, create a sense of place, and provide a concentration of goods and services for the daily needs and activities of nearby residents. The buildings within the Neighborhood Services Planning Area should be at a pedestrian scale with retail frontage.

B. Applicability: The Neighborhood Services Overlay District encompasses the parcels immediately adjacent to the Shearer Rd. - East Rocky River Rd. intersection, as indicated on the Planning Ordinance Map.

C. Standards: The following standards apply to properties within the district:

1. Permitted Uses: The allowed uses are those permitted in the Neighborhood Services Planning Area.
2. Permitted Building Types: The following table establishes the permitted building types for the Neighborhood Services Overlay District. Building types not listed in the Building Type Table are presumed to be prohibited (See Section 2.1.4). Additional requirements and exceptions are set out in Section 4, Site & Building Design Standards.

TABLE 2-XX: NEIGHBORHOOD SERVICES OVERLAY BUILDING TYPE TABLE

Building Types	Allowance	Design Review	Height	
			Minimum	Maximum[1]
Detached House[2]	P	R	2 stories	3 stories
Live/Work[3]	P	R	2 stories	3 stories
Storefront	P	R	2 stories	3 stories
Accessory Structure	P	See Section 4.5.8	1 story	2 stories

[1]For the Detached House, Live/Work, and Storefront buliding types, the maximum permitted height is three stories or 37 feet.

[2]The only Detached House building type permitted in this overlay district is the single-family Detached House building type; Duplexes are not permitted.

[3] At least 50 percent of the heated floor area in a live/work building type must contain the residential dwellings unit(s).

Additionally, the following standards apply:

- All buildings constructed within the overlay district shall be built according to commercial building code standards. Accessory Structures are exempt from this requirement.
- Only the Detached House/Storefront Building Types are allowed at the intersection's four corners. The Live/Work Building Type is not permitted within 100 feet of the intersection's four corners, measured from the parcel boundary.
- Within 100 feet of the intersection the first floor must feature only commercial uses; residential uses are permitted on the upper floors. Residential uses are permitted on all floors of the Live/Work Building Type.
- Flat roof forms are not permitted for any building type.

3. Site Design Standards:
   A. Setbacks: The following table establishes the required setbacks for the Neighborhood Services Overlay District.

TABLE 2-XX: NEIGHBORHOOD SERVICES OVERLAY SETBACK TABLE

Building Types	Front Setback		Side Setback		Rear Setback	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Detached House	0	25	0	10	NA	NA
Live/Work	0	10	0	10	NA	NA
Storefront[1]	0	0	0	NA	NA	NA
Accessory Structure	†	†	†	†	†	†

B. Sidewalks: For properties fronting Shearer or East Rocky River Roads, the sidewalk width must be a minimum of eight to twelve feet, and as noted in Section 6.8.

UPDATE ON FUTURE BOARD BUSINESS
ADDITIONAL AGENDA DETAILS:

FROM:
Alex Cameron

CC:
Darryn Burich

DATE OF MEMO:
8/26/2021

MEMO DETAILS:
Staff will provide an update of upcoming items or applications to the Board.