

TOWN CENTER 3  
CHAPEL HILL, N.C.

STATEMENT OF JUSTIFICATION  
ZONING TEXT AMENDMENTS

Introduction

This is a request for Zoning Text Amendment and amendments to the Chapel Hill Land Use Management Ordinance that will create a new land use zone. This new zone is intended to enable the development and construction of mixed-use buildings in town center districts for which the attributes differ from those described in the existing Chapel Hill Zoning Atlas. This new zone will be called Town Center-3, abbreviated to TC-3 in this document and in sections of the Chapel Hill Land Use Management Ordinance.

Background

In 2001 the Town of Chapel Hill sponsored an initiative to explore development in the town center districts of Chapel Hill. This initiative included activity by the Chapel Hill Town Council, the Chapel Hill Planning Board and several citizen committees. This exploration resulted in a more detailed vision for the town center districts. The current Downtown Development Initiative and several privately sponsored projects are a direct outgrowth of that work.

Goals and Objectives

These initiatives will require the creation of a new land use zone for the town center districts. This land use zone may be applied to specific sites when projects meeting certain criteria are proposed. These criteria may include a mix of uses, significant residential component, meeting the objectives of the Comprehensive Plan, meeting an underserved or designated need in the district and other criteria that the town may apply.

**ARTICLE 4.4 ZONING AMENDMENTS**

The Chapter of the Land Use Management Ordinance defining zoning may be amended only by the Chapel Hill Town Council for several defined purposes. The Chapter may be amended a) to correct a manifest error in the Chapter, or b) because of changed or changing conditions in the area or jurisdiction generally, or c) to achieve the purposes of the comprehensive plan.

The following information is provided in support of findings b and c above.

**b) Changed or changing conditions in the area or jurisdiction generally:**

The Town Center districts have experienced significant change within the last several years, with the mixed use developments of the Fountains, Rosemary Village, the Warehouse, and the Franklin Hotel. These represent changed conditions in the area and in the existing TC2 district. The town's Downtown Development Initiative represents changing conditions in the area and in the jurisdiction.

Another material factor in the development of the west end of Chapel Hill is the emerging activities on the east end of Carrboro. Weaver Street Market has created a significant hub in downtown Carrboro and the proposed development around the Art Center will represent additional changing conditions in the area.

**c) To achieve the purposes of the Comprehensive Plan:**

This proposed zoning change will achieve many of the purposes of the Comprehensive Plan for the development of Chapel Hill and its environs.

The Chapel Hill Comprehensive Plan includes many themes, goals and strategies and this proposed development supports many of those. In specific the following themes relate directly to the intent of this project:

One theme is to maintain Urban Services Area/ Rural Buffer Boundary. *Accommodating demand for residential and commercial activities in the town center will help to maintain urban services area limits.*

A second theme is to Identify areas where there are creative development opportunities. Both the comprehensive plan and the downtown small area plan encourage creative development opportunities. *The town center districts include areas which may require creative development to achieve other objectives of the Comprehensive Plan. Creating a TC-3 district will responds to that encouragement by helping to support developments which comply with Comprehensive Plan objectives.*

A third theme is to develop strategies to address fiscal issues. *A TC-3 zone will encourage growth and development in the town center resulting in less expensive service costs than the same amount of development in more suburban locations.*

A fourth theme is to work toward a balanced transportation system. *Through provision of town center residential opportunity, this new zone will help to shift the emphasis from the automobile to other means of travel, including walking, biking and public transit, a stated strategy for this important theme.*

In the chapter describing Community Character, there are several strategies and actions that relate directly to this project.

Strategy 3A-4 notes consider development of selected "opportunity sites" to help alleviate growth pressures on existing neighborhoods. *TC-3 will provide flexibility and creativity for*

*designated opportunity sites. The Town Center is an example of an area which can accommodate this growth. Bus, utility, water and sewer and public safety infrastructure are in place to service growth in this part of town.*

A goal (3C) is that of Downtown Enhancement. *A TC-3 zone will enhance the downtown area by supporting developments which will enable more people to live and interact in the town center. Both retail and public uses will be enhanced through the inclusion of more people living in the town center.*

A strategy for downtown enhancement (3C-1) is to Implement the Downtown Small Area Plan. Below follows a discussion of points of intersection with the downtown small area plan.

The Downtown Small area plan includes a vision statement followed by goals and objectives:

Section 1: Vision Statement

Page 5 “The Downtown Plan will seek to reverse the tide of decentralization by encouraging the ‘incubation’ of vital well-integrated mixed use development, of which housing, with it’s after-hours population, would be a key component.”

*A TC-3 zone will support well integrated mixed use development.*

Page 5 The Downtown Small Area Plan places one guiding principle above all others in importance: The preservation and extension of the vital people/pedestrian-oriented character of the Downtown Center, and the fostering of programs and policies which would tend to intensify the social and cultural activity which defines this character.

*A TC-3 zone will support this principle by providing a mix of residential and retail uses in a highly pedestrian friendly environment.*

Page 6 Through a policy combining preservation of the most significant buildings with the enlightened, planned development, - or redevelopment- of underutilized lots, blocks and “holes” in the urban streetscape, the Downtown may be able to enjoy a new era of increased vitality.

*A TC-3 zone supports this policy through planned development of underutilized lots in the downtown.*

Section 2: Goals and Objectives

Economic Vitality:

Page 9 Objectives for economic vitality include: 1) Provide a diversity of densities, scales, land uses and sizes, 2) Utilize available land in an economically optimal

fashion, 3) Provide a safe and secure environment for citizens in the downtown area.

*A TC-3 zone accomplishes all of these objectives. It provides a diversity of scale and use within the matrix of town center buildings and uses. It encourages economically optimal uses of specific sites for many reasons; among them the availability of existing infrastructure, net tax gain to the town and county, provision of new retail and commercial opportunity and provision for residential use in this new town center district.*

Section 2: Town Character and Land Use

Page 10 Objectives for Character and Land Use include: 1) Maintain existing, and encourage new, magnets to attract people to downtown and 2) Promote compatible residential uses in the commercial zones of downtown.

*A TC-3 zone will encourage projects which can be come magnets for people to come downtown because of the unique mix of commercial and public uses*

Section 2: Transportation

Page 12 Encourage the reduction of single occupancy vehicle trips to downtown.

*A TC-3 zone will encourage the creation of living units downtown through material bonus levels for residential un mixed uses and will encourage the reduction of S.O.V. trips downtown and will encourage pedestrian activity.*

Section 4 Planning Concepts

Page 35 Identify areas where there is opportunity for change

*TC-3 zones may be applied to areas where there is a perceived opportunity for change.*

Page 36 Promote a mix of uses.

*Through the use of intensity bonuses, this TC-3 zone will encourage a mix of uses.*

<b>AMENDED LUMO SECTIONS – TOWN CENTER 3 – PROPOSED</b>
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*Proposed changes to Section 3.3.1 identified with underline below.*

### **3.3.1 Town Center (TC-1, TC-2, TC-3)**

The Town Center (TC) districts are intended to provide for the development of the commercial, service, and social center of Chapel Hill while maintaining its character, its pedestrian-oriented scale, and its nature as a concentration of business, administrative, financial, governmental, and support functions serving the community; and to encourage further residential development in the central area of Chapel Hill. The zoning regulations for the TC districts are designed to achieve the following objectives:

- Buildings are designed and located so that they provide visual interest and create enjoyable, human-scale spaces.
- Building design blends with the natural terrain by means such as terracing or other techniques that minimize grading.
- Designs are compatible, in form and proportion, with the neighboring area.
- Designers strive for creativity in form and space wherever contrast and variety are appropriate to the larger environment.
- Buildings and projects include visual variety and also maintain a strong sense of unity.
- Buildings and projects include a high level of architectural detailing to help maintain a sense of scale.

Applicants are encouraged to consult the *Design Guidelines for Downtown Chapel Hill* (prepared by Downtown Small Area Plan Work Group, August 1998) before submitting an application for approval in a Town Center district.

*Proposed changes to Section 3.4 identified with underline below.*

## **3.4 Conditional Use Districts**

For the TC-1, TC-2, TC-3, CC, NC, 0I-1, I, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-1-C, TC-2-C, TC-3-C, CC-C, NC-C, 0I-2-C, 0I-1-C, I-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes § 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by Section 3.7, Table 3.7-1 (Use Matrix), for the parallel general use district are permitted only upon issuance of a Special Use Permit by the Town Council pursuant to Section 4.5 of this Chapter.

A Residential-Special Standards-Conditional (R-SS-C) District is hereby established, pursuant to North Carolina General Statutes Section 160A-382. Uses allowed in this district shall be those described in Section 3.7 and Table 3.7-1 (Use Matrix) of this Chapter, and are permitted only upon issuance of a Special Use Permit by the Town Council pursuant to Section 4.5 of this Chapter

### 3.7.3 USE GROUPS

Proposed changes to Table 3.7-1: Use Matrix would allow in the new TC-3 zoning district the same uses as currently allowed in the TC-2 zoning district.

Table 3.7-1: Use Matrix

USES	Use Group	General Use Zoning District											Planned Development (PD-)																
		R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	TC-1, TC-2, TC-3	CC	NC	OI-1	OI-2	OI-3	OI-4	I	MH	H	SC(N)	SCI	OI	MU	I	
Accessory Use Customarily Incidental to a Permitted Principal or Special Use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	A	A	A	A	A	A
Adult Day Care Facility (See also Article 6)	B	P A	P A	P A	P A	P A	P A	P A	P A	P A	P A	P A	-	P A	P A	P A	P A	P A	P A	P A	-	-	P A	P A	P A	P A	P A	-	
Agriculture, Livestock	A	A	P A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P A	-	-	-	-	-	-	
Agriculture, Non-Livestock	A	A	P A	A	A	A	A	A	A	A	A	A	-	A	A	A	A	A	A	A	A	P A	A	A	A	A	A	A	
Automated Teller Machines (ATM) (Walkup)	C	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Automated Teller Machines (ATM) (Drive-up)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	P	P	P	P	P	P	
Automotive Repair	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	-	-	-	-	-	P A	-	-	-	P A	-	P A	P A	
Automotive Repair (Less Collision, Service and Painting)	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	-	-	-	-	P A	-	-	P A	P A	-	P A	P A	
Automotive, Trailer, and Farm Implement Sales or Rental	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	-	-	-	-	-	-	-	-	-	P A	-	P A	-	
Bank	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	PA	P A	P A	P A	-	-	-	P A	P A	P A	P A	-	
Barber Shop/Beauty Salon	C	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	P	P	P	P	-	
Business - Convenience	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	-	-	A	A	A	-	-	P A	P A	-	P A	-	
Business - General	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	-	-	A	A	-	-	-	P A	P A	-	P A	-	
Business - Wholesale	C	-	-	-	-	-	-	-	-	-	-	-	-	A	P A	-	-	-	-	-	-	-	-	-	P A	-	P A	-	
Business, Office-Type	B	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	P A	P A	P A	P A	P A	-	-	P A	P A	P A	P A	-	
Car Wash (See also Article 6)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-	
Cemetery (See also Article 6)	A	S	S	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	

USES	Use Group	General Use Zoning District													Planned Development (PD-)														
		R-LD5	RT	R-LDI	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	TC-1, TC-2, TC-3	CC	NC	OI-1	OI-2	OI-3	OI-4	I	MH	H	SC(N)	SCI	OI	MU	I	
Article 6)																													
Child Day Care Facility (See also Article 6)	B	P A	P A	P A	P A	P A	P A	P A	P A	P A	P A	P A	-	P A	P A	P A	P A	P A	P A	P A	P A	-	-	P A	P A	P A	P A	P A	-
Clinic	B	-	-	-	-	-	-	-	-	-	-	-	-	P	P A	P A	P	P	P A	P A	-	-	-	-	P A	P A	P A	-	
Club	B	-	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	P A	P A	P A	P A	-	-	A	P A	P A	P A	P A	-	
College or University	B	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	P	-	
Drive-in Window (See also Article 6)	C	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	A	A	A	A	A	
Dwelling Units, Single Family	A	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	-	-	P	-	-	-	P	-	
Dwelling Units, Single-Family with Accessory Apartment	A	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	-	-	P	-	-	-	P	-	
Dwelling Units, Duplex(see also Article 6)	A	-	-	-	-	P	-	P	P	P	P	S	P	P	P	P	P	P	P	-	-	P	-	-	-	-	P	-	
Dwelling Units, Multi-Family, 3 to 7 dwelling units	A	-	-	-	-	-	-	-	P	P	P	S	P	P	P	P	P	P	P	-	-	P	-	-	-	-	P	-	
Dwelling Units, Multi-Family, over 7 dwelling units	A	-	-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P	-	-	P	-	-	-	-	P	-	
Essential Services	A	P A	P A	P A	P A	P A	P A	P A	P A	P A	P A	P A	-	P A	P A	P A	P A	P A	P A	P A	P A	-	-	P A	P A	P A	P A	P A	P A
Extraction of Earth Products (See also Article 6)	C	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fine Arts Educational Institution (See also Article 6)	B	-	-	-	-	-	-	-	-	S	S	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	
Flex Space	C	-	-	-	-	-	-	-	-	-	-	-	-	A	P A	-	-	-	-	-	-	P	-	-	A	-	A	P	
Fraternity or Sorority Dwelling (See also Article 6)	B	-	-	-	-	-	-	-	-	S	S	-	-	S	S	-	S	S	P	P	-	-	-	-	-	-	-	-	
Funeral Home	B	-	-	-	-	-	-	-	-	-	-	-	-	P	P A	-	P	P	P A	P A	-	-	-	-	P	-	P	-	
Group Care Facility (See also Article 6)	B	S	S	S	S	S	S	S	S	S	S	-	-	P	P	P	P	P	P	P	-	-	A	-	-	P	P	-	
Hangar, Medical Aircraft	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	A	-	
Hospital	B	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-	-	P	-	-		





USES	Use Group	General Use Zoning District											Planned Development (PD-)															
		R-LD5	RT	R-LDI	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	TC-1, TC-2, TC-3	CC	NC	OI-1	OI-2	OI-3	OI-4	I	MH	H	SC(N)	SCI	OI	MU	I
Transmitting and/or Receiving Antenna, Accessory																												
Recreation Facility: Commercial	C	-	-	-	-	-	-	-	-	-	-	-	P A	P A	P A	-	-	P A	P A	P A	A	-	A	P A	P A	P A	P A	A
Recreation Facility: Non-Profit	C	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P A	P A	P	-	A	P	P	P	P	P A	P
Recreation Facility: Outdoor Commercial	C	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-	P A	P A	-	P A	-	
Research Activities	B	-	-	-	-	-	-	-	-	-	-	-	P A	P A	-	P A	P A	P A	P A	P A	-	-	-	P A	P A	P A	P A	P A
Residence Hall	B	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	-	-	P	-	-	-	-	P	-
Residential Support Facility	B	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Rooming House	B	-	-	-	-	-	-	P	P	P	P	-	P	P	P	P	P	P	P	-	-	P	-	-	-	P	-	
School, Elementary or Secondary	B	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	P	-	-	P	P	P	P	P	-	
Service Station/Convenience Store (See also Article 6)	C	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	A	A	A	-	-	P	P	-	P	A	
Shelter	B	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	-	-	
Solid Waste Management Facility	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P A	-	-	-	-	-	
Supply Yard	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	-	-	-	-	-	-	P A	-	-	P A	-	P A	P A	
Temporary Portable Building: Construction-Related (See also Article 6)	C	A	A	A	A	A	A	A	A	A	A	-	A	A	A	A	A	A	A	A	-	A	A	A	A	A	A	
Temporary Portable Building: Not Construction-Related	C	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	-	-	-	-	-	-	P	
Tourist Home	B	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	P	P	P	-	
Veterinary Hospital or Clinic	C	-	-	-	-	-	-	-	-	-	-	-	-	P A	-	-	-	A	A	-	-	-	P A	-	P A	-		
Vocational School	C	-	-	-	-	-	-	-	-	-	-	-	P A	P A	-	-	-	P A	P A	-	-	-	P A	P A	P A	-	-	
Water and Wastewater Treatment Plant	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P A	-	-	-	-	P A	

### 3.8-1 DIMENSIONAL MATRIX

Proposed changes to the table 3.8-1 Dimensional Matrix:

Table 3.8-1: Dimensional Matrix

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)
Zoning District	Minimum Lot Size	Maximum Density	Minimum Frontage	Minimum Lot Width	Maximum Building Height (Primary)	Maximum Building Height (Secondary)	Minimum Street Setback	Minimum Interior Setback	Minimum Solar Setback	Impervious Surface Ratio	Maximum Floor Area Ratio
R-LD5	217,800	0.2	200	250	29	35	30	16	20	.24/.5/.7	.025
RT	100,000	0.4	160	200	29	35	30	16	20	.24/.5/.7	.031
R-LD1	43,560	1.0	100	125	29	35	30	16	19	.24/.5/.7	.047
R-1A	25,000	2.0	80	100	29	38	29	15	18	.24/.5/.7	.062
R-1	17,000	3.0	64	80	29	40	28	14	17	.24/.5/.7	.076
R-2A	14,500	3.5	56	70	29	50	27	10	12	.24/.5/.7	.087
R-2	10,000	4.0	52	65	29	50	26	11	13	.24/.5/.7	.093
R-3	5,500	7.0	40	50	29	60	24	8	11	.24/.5/.7	.162
R-4	5,500	10.0	40	50	34	60	22	8	9	.24/.5/.7	.230
R-5	5,500	15.0	40	50	39	60	20	6	8	.24/.5/.7	.303
R-6	5,500	15.0	40	50	39	60	20	6	8	.24/.5/.7	.303
R-SS-C	N/A	N/A	N/A	N/A	39	60	10	0	N/A	.24/.5/.7	.400
TC-1	N/A	N/A	12	15	44	60	0	0	0	N/A	1.97
TC-2	N/A	N/A	12	15	44	90	0	0	0	N/A	1.97
TC-3	N/A	N/A	12	15	44	120	0	0	0	N/A	4.0
CC	5,500	15.0	40	50	34	60	22	8	9	.24/.5/.7	.429
NC	5,500	10.0	40	40	34	60	24	8	11	.24/.5/.7	.264
OI-1	5,500	10.0	40	50	29	60	24	8	11	.24/.5/.7	.264
OI-2	5,500	15.0	40	40	34	60	22	8	9	.24/.5/.7	.264
OI-3	2,000	N/A	15	15	N/A	N/A	0	0	0	.24/.5/.7	.566
OI-4	2,000	N/A	12	15	N/A	N/A	0	0	0	N/A	N/A
I	17,000	N/A	64	80	26	50	26	11	13	.24/.5/.7	.071
MH	100,000	N/A	160	200	29	35	30	16	20	.24/.5/.7	.019
MU-OI-1	N/A	N/A	N/A	N/A	44	90	0	0	0	.24/.5/.7	.264
MU-R-1	N/A	N/A	N/A	N/A	29	90	0	0	0	.24/.5/.7	.076
MU-V arterial	5,500	15.0	80	62	60	114	10	5	20	.24/.5/.7	.500
MU-V collector	5,500	15.0	40	50	44	90	0	0	20	.24/.5/.7	.500
MU-V local	5,500	15.0	70	40	32	40	0	0	17	.24/.5/.7	.500

### 3.8.4(b) Transitional Control Intensity Modifications

- (b) In all nonresidential zoning districts and planned developments (TC-1, TC-2, TC-3, CC, NC, 0I-3, 0I-2, 0I-1, I PD-SC, PD-0I and PD-I), the following setback and height regulation modifications shall apply:
- (1) Minimum street setback across a street from residentially zoned land shall be equal to the street setback applicable in the Residential district across the street.
  - (2) Minimum interior setback adjacent to residentially zoned land shall be equal to the interior setback applicable in the adjacent Residential district.
  - (3) Minimum solar setback adjacent to residentially zoned land shall be equal to the solar setback applicable in the adjacent Residential district.
  - (4) The primary height limitation applicable at any of the modified setbacks identified in (1) – (3) above shall not exceed thirty-five (35) feet.

### 3.9.2 Transfer Of Development Rights

*Purpose: This Section establishes procedures for transferring densities from sending to receiving parcels. At the voluntary request of the landowners in the sending areas and the receiving areas, the Town may increase densities in the receiving areas and reduce densities in the sending areas.*

#### (a) *Sending Areas Created*

- (1) The Resource Conservation District is hereby designated as a “sending area” for purposes of this Section. Severable Development Rights are hereby created in the Resource Conservation District (RCD).
- (2) For purposes of this subsection, “development potential” means the number of dwelling units or floor area permitted by the provision of Section 3.6.3.
- (3) Documentation of compliance with the requirements for eligibility as a Sending Area shall be submitted with the Application for Development Approval requesting an increase in density in the Receiving Area provided.

#### (b) *Receiving Districts Designated*

Severable development rights may be exercised only in conjunction with the development or subdivision of any parcel of land that is located in a receiving district. A parcel of land which receives developments rights pursuant to this Section shall be referred to as a “receiving district.” The following districts are hereby designed as receiving districts for purposes of transferring severable development rights:

(3)

TC-1, TC-2, <u>TC-3</u>	Town Center Districts
TOD	Transit-Oriented Development Districts
CC	Community Commercial
NC	Neighborhood Commercial
OI-1	Office/Institutional-1
OI-2	Office/Institutional-2
OI-3	Office/Institutional-3
I	Industrial
MH	Materials Handling
MU-OI-1	Mixed Use-OI-1
MU-R-1	Mixed Use-R-1
MU-V	Mixed Use-Village

(c) ***Recordation Of Transfer Of Development Rights***

(1) Conditional Zoning District

No Development Rights shall be used on the Receiving Site until a conditional zoning district has been approved as provided herein. The conditional zoning district shall include a condition requiring recordation of a deed in accordance with the requirements of subsection (2), below.

(2) Dedication

Prior to issuance of a building permit, the owner of the transferor parcel shall record a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to open space, agricultural lands or street/road right-of-way. The deed restriction shall be expressly enforceable by the Town Council, and a boundary plat for the transferor parcel shall be recorded reflecting the restriction.

(d) ***Evidence of Restriction Required For Development Approval***

A developer of a receiver site must submit, in conjunction with his/her application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provisions. No plat for a subdivision in conjunction with which severable development rights are exercised shall be recorded by the register of deeds, and no new building, or part thereof, or addition to or enlargement of an existing building, that is part of a development project in conjunction with which severable development rights are exercised shall be occupied, until documents have been recorded in the office of the register of deeds transferring title from the owner of the severable development rights to the receiver.

### 4.3 CONCEPT PLAN REVIEW

**Purpose Statement:** It is the intent of the Site Analysis Data and Conceptual Development Plan process to provide an opportunity for the Town Council, Town Manager, the Community Design Commission and citizens to review and evaluate the impact of a major development proposal on the character of the area in which it is proposed to be located. This process is intended to take into consideration the general form of the land before and after development as well as the spatial relationships of the proposed structures, open spaces, landscaped areas, and general access and circulation patterns as they relate to the proposed development and the surrounding area.

#### 4.3.1 Applicability

**(a) Proposals Subject to Review by Community Design Commission**

This Section applies to any:

- (1) Special Use Permit or a Special Use Permit Modification; or
- (2) Master Land Use Plan or a Master Land Use Plan Modification; or
- (3) Major Subdivisions.

**(b) Proposals Subject to Additional Review by Town Council**

- (1) An application that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require Town Council review as provided in Section 4.3.2, below, in addition to Community Design Commission review:

Thresholds (minimum)	TC-1, TC-2, TC-3 Zoning Districts	All Other Zoning Districts
Land Area	15,000 square feet	5 acres
Floor Area	20,000 square feet	100,000 square feet
Dwelling Units	35 dwelling units	50 dwelling units

- (2) If an application does not meet the thresholds established in subsection (1), above, the applicant may request review by the Town Council. The Town Council may determine to review the application, or it may decline to review the application. Such request shall be filed at least fifteen (15) days in advance of a regular meeting of the Town Council. The Town Council’s determination shall be rendered at its next regular meeting after receiving a complete request for Town Council review.

### 5.5.2 Minimum Recreation Area and Recreation Space

*(g) Multi-family Dwelling Units*

Active, improved space (either indoors or outside) shall be provided for the common active recreational use of residents of multi-family developments. For sites that abut or include areas designated as future greenways in the Town’s Comprehensive Plan, land dedicated for a public pedestrian and non-motorized vehicle easement or deeded to the Town along the greenway may be substituted for required improved recreation space. The minimum size of such active recreation space shall be the number of square feet derived by multiplying gross land area of the development by the applicable ratio shown below.

Zoning Districts	Recreation Space Ratio
TC-1, TC-2, TC-3	.120
CC	.046
NC	.039
OI-2	.046
OI-1	.046
I	.032
R-SS-C, R-6, R-5	.050
R-4	.039
R-3	.032
R-2, R-2A, R-1	.025
R-1A	.022
R-LD1	.020
All Others	.015

### 5.6.6 Schedule of Required Buffers

Specifications for each buffer type are contained in the Design Manual. The buffer requirement noted in the Schedule of Required Buffers may be reduced by one grade of intensity (e.g., C to a B) if the development is designed such that there is no parking between the buildings located on the site and the adjacent street.

**[Schedule of Required Buffers begins on next page]**

**Table 5.6.6-1 Schedule of Required Buffers**

Adjacent* Existing Principal Use#	Proposed Principal Use				
	Major Subdivision creating lots for single or two-family dwellings or Class A mobile home	Any other principal use in Use Group A, except essential services	Any principal use in Use Group B	Automotive repair, maintenance and/or storage facility, light manufacturing, supply yard	Any principal use in Use Group C other than the above
Dwellings, single-family or two-family, Class A Mobile Home	-	B	C	D	C
Any other principal use in Use Group A, except Essential Services	B	B	C	D	C
Interstate Highway	E	E	E	E	E
Railroad, non-Interstate, Arterial Street	D	D	D	D	D
Collector Street	C	C	C	C	C
Any use in Use Group B	C	C	B	C	B
Automotive Repair, Maintenance and/or Storage Facility, Light Manufacturing, Supply Yard	D	D	C	B	B
Any other use in Use Group C	C	C	B	B	B
Adjacent* Vacant Land Zoning:					
R-LD5, RT, R-LD1	-	B	C	D	C
R-1, R-2, R-3					
R-4, R-5, R-6	B	B	C	D	C
OI-1, OI-2	C	C	B	C	B
I	D	D	C	B	B
NC, CC, OI-3, TC-1, TC-2, TC-3	C	C	B	B	B

**5.9.7 Minimum Off-Street Parking Space Requirements**

“The following minimum bicycle parking requirements shall apply for the appropriate use and zoning district. Bicycle parking requirements shall not apply for uses located within the Office/Institutional-3 or Office/Institutional-4 Districts.

Use	Minimum number of bicycle spaces
Industrial and Office	10% of auto parking spaces
Commercial/Retail	10% of auto parking spaces
Multi-family Residential	1 space per dwelling unit, plus 10% of auto parking spaces
Recreation	25% of auto parking spaces
School	1 space per 3 students, plus 1 space per 10 faculty/staff
Park/Ride, Transit Center	10% of auto parking spaces

The following minimum vehicular parking space requirements shall apply for the appropriate use and zoning district. Parking space requirements shall not apply for uses located within the Office/Institutional-3 or Office/Institutional-4 Districts.

A reduction of up to twenty percent (20%) of the minimum number of required parking spaces may be permitted through the granting of a minor variance by the Board of Adjustment if, based on substantial evidence in the record of its proceedings, the Board finds that compliance with the full minimum off-street parking space requirements of this section would necessitate the removal of or would seriously endanger significant specimen trees on or adjacent to the zoning lot on which such parking is required.



**Minimum Number of Vehicular Parking Spaces**

Use	<b>TC-1, TC-2 and TC-3 Districts</b>	<b>Districts other than TC and OI-3</b>
Automotive, trailer, and farm implement sales or rental	1 per 500 sq. ft. of enclosed exhibit area	1 per 500 sq. ft. of enclosed exhibit area
Bank	1 per 400 sq. ft. of floor area	1 per 350 sq. ft. of floor area
Business, convenience Restaurant	1 per 400 sq. ft. of floor area	1 per 4 seats
Other convenience business	1 per 400 sq. ft. of floor area	1 per 250 sq. ft. of floor area
Business, general	1 per 400 sq. ft. of floor area	1 per 250 sq. ft. of floor area
Business, office-type	1 per 400 sq. ft. of floor area	1 per 350 sq. ft. of floor area
Clinic	1 per 400 sq. ft. of floor area	1 per 250 sq. ft. of floor area
Dwelling, single-family	1 per dwelling unit	2 per dwelling unit
Dwelling, two-family or multi-family:		
Efficiency	1 per dwelling unit	1 per dwelling unit
1 or 2 bedrooms	1 per dwelling unit	1.5 per dwelling unit
3 or more bedrooms	1 per dwelling unit	2 per dwelling unit

**Note: The minimum number of parking spaces required for elderly or handicapped dwellings may be reduced to 1 per 2 dwelling units upon findings made by the Town Council that (1) reasonable assurances exist that the dwelling units served by the parking spaces will be maintained for occupancy by the elderly or handicapped and/or (2) that sufficient livability space exists on the property to ensure that should the units be converted to another form of occupancy or use, that sufficient parking can be provided on the site to satisfy the parking requirements of the new use, without violating the land use intensities of Table 3.8-1.**

**Minimum Number of Vehicular Parking Spaces**

Use	<b>TC-1, TC-2 <u>and TC-3</u> Districts</b>	<b>Districts other than TC and OI-3</b>
Fraternity or sorority house	1 per resident	1 per resident
Group care facility	1 per 2 beds	1 per 2 beds
Hospital	1.5 per bed	1.5 per bed
Hotel or motel	1 per lodging unit	1 per lodging unit
Maintenance and/or storage facility	N/A	1 per 2 employees if 2 largest shifts combined
Manufacturing, light	N/A	
Mobile home	N/A	
Mobile home park	N/A	1 per unit
Personal services	1 per 400 sq. ft. of floor area	1 per 250 sq. ft. of floor area
Place of assembly	1 per 4 persons the use is designed to accommodate	1 per 4 persons the use is designed to accommodate
Place of worship	N/A	1 per 4 seats in the sanctuary, except for places of worship within 1,500 feet of a Town Center District, which are exempted from parking requirements
Public cultural facility	1 per 500 sq. ft. of floor area	1 per 500 sq. ft. of floor area
Public use facility	1 per 400 sq. ft. of floor area	1 per 350 sq. ft. of floor area
Research activities	1 per 400 sq. ft. of floor area	1 per 350 sq. ft. of floor area
Residence hall	1 per 2 residents	1 per 2 residents

Minimum Number of Vehicular Parking Spaces

Use	TC-1, TC-2 and TC-3 Districts	Districts other than TC and OI-3
Residential support facility	1 per 500 sq. ft. of floor area	1 per 500 sq. ft. of floor area
Rooming house	1 per lodging unit	1 per lodging unit
School, elementary	1 per staff member	1 per staff member
School, secondary	1 per 4 students	1 per 4 students
Shelter	1 per 1,000 sq. ft. of floor area	1 per 1,000 sq. ft. of floor area
Tourist home	1 per lodging unit	1 per lodging unit

In the case of a use not listed above, the minimum parking space requirement shall be determined by the Town Manager. In making such determinations, the Town Manager shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the use, and studies of minimum parking space requirements for such use in other jurisdictions.

Minimum parking requirements for an individual site may be reduced by the Town Council in the context of a Special Use Permit approval, or the Planning Board in the context of a Site Plan Review approval, if evidence is submitted to demonstrate and the Town Council finds that:

- (a) Sidewalks, bicycle facilities, transit service and transit amenities are in place such that, together with the number of parking spaces that are proposed, transportation needs are adequately served; or
- (b) The particular use that would be specified in the Special Use Permit is of a nature that generates lower-than-average trips, and that the Special Use Permit would limit use of the property to what is specified; or
- (c) Arrangement for shared parking with nearby facilities is ensured.

5.14.8 Signs in TC-3, TC-2, TC-1, CC, NC, OI-4, OI-3, OI-2, OI-1 and I Districts

- (a) No sign shall be erected or displayed in the Town Center districts or in any Community Commercial, Neighborhood Commercial, Office/Institutional-3, Office/Institutional-2, Office/Institutional-1 or Industrial district except as allowed under Sections 5.14.3, or as provided below for the type of sign and the zoning district in which it is located.
- (b) Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owner(s) of the zoning lot shall be

responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other. Such a sign plan shall be referred to as a Unified Sign Plan for the zoning lot.

- (c) A Unified Sign Plan is an overall plan for placement and design of multiple signs for a building or group of buildings on a zoning lot. The Unified Sign Plan shall display harmony and consistency with regard to theme, number and size of signs, placement of signs, materials and colors, size and style of lettering, and type of lighting.

(1) Ground Signs

A ground sign is a free-standing sign attached to a contiguous structural base or planter box, which base or box shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground. Ground signs do not include free-standing signs supported by poles.

Ground signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface and the maximum height limitations contained in Subsection 5.14.10, provided:

- A. The zoning lot on which a ground sign is located shall be accessible by automobile and contain off-street parking for the principal use(s);
- B. The buildings or structures housing the principal use(s) on a zoning lot on which a ground sign is located shall be set back at least twenty (20) feet from the abutting street right-of-way;
- C. Ground signs shall be limited to a maximum height of eight (8) feet;
- D. Ground signs shall be limited to one sign per street frontage, provided that the zoning lot on which the sign is located has at least one hundred (100) feet of street frontage;
- E. No ground sign shall be permitted on the same street frontage of the same zoning lot along which there is a projecting sign;
- F. The message of ground signs shall be limited to the name(s), trademark(s) and servicemark(s) of the establishment(s) located on the zoning lot and/or of a multi-use development located thereon, except that ground signs identifying cinemas, gas stations, or service stations may also identify the current presentation(s) or fuel prices, as appropriate, and that ground signs identifying places of worship may also provide information related to the place of worship and its activities on the zoning lot. The amount of "changeable text" for such ground signs for cinemas, gas stations, service stations, or places of worship, shall be limited to a maximum of 50 percent of the sign's overall display area.

- G. The maximum area per display surface for ground signs as contained in Subsection 5.14.10 may be doubled by reducing the allowable wall sign area for the zoning lot by an equivalent amount.
- H. Ground signs shall be of a shape such that the ratio between the maximum and minimum dimensions shall not exceed 2 to 1.

(2) Cantilevered Ground Signs

A cantilevered ground sign is a sign supported in a cantilevered fashion by an upright post. Cantilevered ground signs may be erected and displayed on a zoning lot, in lieu of a traditional ground sign, provided that:

- A. Cantilevered ground signs shall be limited to one sign per street frontage.
- B. The display area of a cantilevered ground sign shall not exceed three (3) square feet in area and eight (8) feet in height. No portion of the sign and its support shall exceed ten (10) feet in height.
- C. The buildings or structures housing the principal use(s) on a zoning lot on which a cantilevered ground sign is located shall be set back at least twenty (20) feet from the abutting street right-of-way.
- D. No cantilevered ground sign shall be permitted on the same street frontage of the same zoning lot along which there is a projecting sign.
- E. The message of cantilevered ground signs shall be limited to the name(s), trademark(s) and servicemark(s) of the establishment(s) located on the zoning lot and/or of a multi-use development located thereon.

(3) Projecting Signs

A projecting sign is a sign attached to and supported by a building and extending beyond the building to which it is attached at an angle. Projecting signs may be erected and displayed on a zoning lot or over a public right-of-way in TC-1, TC-2 and TC-3 Districts in compliance with the maximum area per display surface limitations contained in Subsection 5.14.9, provided:

- A. The building to which a projecting sign is attached shall be twenty (20) feet or more in width, except in TC-1 and TC-2 Districts where no minimum width shall apply.
- B. Projecting signs shall be limited to one sign per business establishment.
- C. No projecting sign shall be permitted on the same zoning lot street frontage along which there is a ground sign or cantilevered ground sign.

- D. Projecting signs shall clear sidewalks and pedestrian and bicycle paths by a height of at least eight (8) feet above finished grade and shall project no more than four (4) feet from the building to which they are attached.
- E. No projecting sign shall extend above the soffit, parapet, or eave line of the building to which it is attached.
- F. Projecting signs shall not be located at the intersection of building corners except at right angles to a building facade.
- G. Projecting signs shall be centered over or located near the principal doorway to the building.
- H. The message of projecting signs shall be limited to the name(s), trademark(s) and servicemark(s) of the establishment(s) located on the zoning lot and/or the name, trademark and servicemark of a multi-use development located thereon.

(4) Wall Signs

A wall sign is a sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a façade window.

Wall signs may be erected and displayed on a zoning lot in compliance with the maximum percentage of façade coverage limitations contained in Subsection 5.14.9, provided:

- A. Wall signs placed in the space between windows located vertically one above the other shall not exceed in height two-thirds (2/3) of the height of the taller of the adjacent windows.
- B. Wall signs placed in the space between windows located horizontally beside each other shall not exceed in height two-thirds (2/3) of the height of the taller of the adjacent windows.
- C. No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
- D. No wall sign shall extend above the parapet or eave line, as appropriate, of the building to which it is attached. If the building consists of more than two (2) stories, wall signs shall not extend above the second story.
- E. The display area of wall signs painted on, affixed to, or otherwise displayed on or through a façade window shall not exceed fifteen percent (15%) of the area of the window.

- F. Wall signs shall not cover up or interrupt major architectural features.
- G. The message of wall signs shall be limited to the name(s), trademark(s) and servicemark(s) of the establishment(s) located on the zoning lot and/or a multi-use development located thereon. Additionally, the message of wall signs may include information necessary to direct patrons to the business where the business may not have a direct entrance from the street or pedestrian and bicycle way.

(5) Marquees

Marquees may be erected and displayed on a zoning lot in compliance with the maximum percentage of facade coverage limitations for wall signs contained in Section 5.14.9, provided a marquee shall not extend more than ten (10) feet from the building nor be less than nine (9) feet above the ground or sidewalk at the lowest point.

(6) Drop Awnings

Drop awnings may be erected and displayed on a zoning lot in compliance with the maximum percentage of facade coverage limitations for wall signs contained in Subsection 5.14.9, provided:

- A. That when such drop awning is let down to its fullest extent, no metal bar or other solid or hollow framing shall be less than eight (8) feet above the ground or sidewalk; and
- B. That a flexible cloth, canvas or similar skirt may hang twelve (12) inches below the horizontal bar supporting the awning, but in no case shall the skirt be less than seven (7) feet above the ground or sidewalk at the lowest point.

**5.14.9 Sign Area Limitations**

Type of Sign	Zoning District	
	TC-1, TC-2, <u>TC-3</u>	CC, NC, OI-1, OI-2, OI-3, OI-4, Ind
Ground Sign - Maximum Area per Display Surface	8.0 sq. feet	15.0 sq. feet
Projecting Sign - Maximum Area per Display Surface	8.0	8.0
Wall Sign - Maximum Percent of Façade Coverage	5.0%	5.0%

\* The maximum area per display surface of any internally illuminated sign shall be one-half (1/2) the maximum area per display surface listed above.