

# Pittsboro, North Carolina Unified Development Ordinance



## Code Assessment

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## TABLE OF CONTENTS

I. Introduction and Overview .....	1
Project Description and Process .....	1
Context: Development Patterns and Plans.....	2
Code Assessment Organization .....	3
Overview of Recommendations .....	3
II. Code Diagnosis.....	7
Key Issue 1: Improve User Friendliness.....	7
A. Consolidate Principal Development Regulations .....	8
B. Enhance Organization .....	8
C. Add Flow Charts, Tables, Illustrations, and Other Graphics .....	9
D. Refine and Update Definitions.....	10
E. Improve Document Formatting and Referencing.....	10
F. Make Language Clearer and More Precise .....	11
G. Use Supplemental Administrative Manual(s) .....	12
Key Issue 2: Improve Procedural Efficiency.....	13
A. Clarify Review Roles and Responsibilities .....	14
B. Establish Ordered Review Procedures.....	14
C. Delegate Some Decision-Making Authority.....	16
D. Establish Standard Review Procedures .....	18
E. Improve the Code Enforcement Process .....	25
Key Issue 3: Refine Planned Development Regulations .....	27
A. Consolidate Planned Development Regulations .....	27
B. Refine Master Plan Requirements to Better Balance Predictability and Flexibility .....	28
Key Issue 4: Preserve Downtown Character and Establish Gateways.....	29
A. Establish a Downtown District with Form Standards.....	29
B. Establish a Framework Gateway Overlay District .....	30
Key Issue 5: Modernize Zoning District and District-Related Standards.....	31
A. Modify the District Line-Up to Better Accommodate Smart Growth Policies .....	31
B. Reduce the Reliance on Special Use Permits .....	36
C. Reorganize Use Standards for Greater Understanding and Flexibility .....	37
D. Modify Use Standards to Encourage Desired Uses and Development Forms.....	39
E. Add Contextual Dimensional Standards .....	40
F. Encourage Cluster Development and Simplify Relevant Standards .....	40
Key Issue 6: Promote Conservation of Natural Resources.....	43
A. Establish a Natural Resources Conservation Overlay District.....	43
B. Consolidate and Strengthen Riparian Buffer Standards.....	44
C. Add Tree Preservation Standards.....	46

## TABLE OF CONTENTS

D.	Promote Low Impact Development Practices .....	48
	Key Issue 7: Improve Development Quality .....	48
A.	Incorporate "Complete Streets" Principles into Access/Circulation Standards .....	49
B.	Modernize Parking and Loading Standards.....	51
C.	Expand Open Space and Recreation Area Standards.....	53
D.	Add Neighborhood Compatibility Standards.....	55
E.	Add Commercial Design Standards.....	56
F.	Add Incentives for Green Development .....	57
III.	Annotated Outline .....	61
	Article 1: General Provisions .....	61
1.1	Title, Authority, and Purpose.....	61
1.2	Applicability.....	61
1.3	Relationship to Town Plans.....	61
1.4	Relationship to Other Laws.....	61
1.5	Official Zoning Map .....	61
1.6	Transitional Provisions .....	61
1.7	Severability.....	62
	Article 2: Zoning Districts and District Regulations .....	62
2.1	General Provisions .....	62
2.2	Agricultural and Rural Base Districts.....	62
2.3	Residential Base Districts .....	62
2.4	Mixed-Use and Nonresidential Base Districts.....	63
2.5	Planned Development (PD) District .....	63
2.6	Overlay Districts.....	64
	Article 3: Use Standards.....	64
3.1	General Provisions .....	64
3.2	Principal Uses.....	64
3.3	Accessory Uses and Structures .....	65
3.4	Temporary Uses and Structures.....	66
	Article 4: Environmental and Open Space Standards.....	66
4.1	General Provisions .....	66
4.2	Tree Preservation .....	66
4.3	Open Space and Recreation Area .....	67
4.4	Riparian Buffers .....	67
4.5	Floodplain Management.....	68
4.6	Perimeter Buffers.....	69
4.7	Stormwater Management.....	70

## TABLE OF CONTENTS

4.8	Green Development Incentives.....	71
Article 5: Development Standards.....		71
5.1	Access and Circulation.....	71
5.2	General Site Layout and Design.....	73
5.3	Commercial Development Design.....	73
5.4	Parking and Loading.....	74
5.5	Utilities and Services.....	76
5.6	Landscaping.....	77
5.7	Screening, Fences, and Walls.....	77
5.8	Outdoor Lighting.....	78
5.9	Plat Reference Points.....	78
5.10	Signage.....	79
Article 6: Nonconformities.....		79
6.1	General Provisions.....	79
6.2	Nonconforming Lots.....	79
6.3	Nonconforming Uses.....	79
6.4	Nonconforming Structures.....	79
6.5	Nonconforming Signs.....	79
6.6	Nonconforming Lighting.....	80
6.7	Nonconforming Site Features.....	80
Article 7: Administration and Review Authorities.....		80
7.1	Town Staff.....	80
7.2	Planning Board.....	80
7.3	Board of Adjustment.....	80
7.4	Board of Commissioners.....	80
Article 8: Development Review Procedures.....		80
8.1	Table of Development Review Procedures.....	81
8.2	Standard Review Procedures.....	82
8.3	Application-Specific Procedures.....	83
Article 9: Enforcement.....		87
9.1	Purpose.....	87
9.2	Performance.....	87
9.3	Maintenance.....	88
9.4	Violations and Responsible Persons.....	89
9.5	Enforcement Responsibility and Procedures.....	89
9.6	Civil Remedies and Penalties.....	89
9.7	Criminal Penalties.....	90

## TABLE OF CONTENTS

9.8	Cumulative Remedies and Penalties .....	90
Article 10:	Interpretation and Definitions .....	90
10.1	Interpretation of Text.....	90
10.2	Interpretation of Zoning Map Boundaries .....	90
10.3	Use Classifications and Interpretation .....	90
10.4	Measurement, Exceptions, and Variations of Intensity and Dimensional Standards....	90
10.5	Definitions.....	91
IV.	Appendix: Graphic Examples.....	93

# I. INTRODUCTION AND OVERVIEW

## Project Description and Process

This Code Assessment report is a component part of ongoing work to prepare a Unified Development Ordinance (UDO) for the Town of Pittsboro.

The Town's current Zoning Ordinance was adopted in 1994. Since that time there have been numerous amendments to regulations. In addition to the Zoning Ordinance, there are other Town regulations affecting development. Those include:

- Subdivision Ordinance
- Floodplain Management Regulations
- Riparian Buffer Ordinance
- Stormwater Management Ordinance
- Lighting Ordinance

The current initiative to create a UDO seeks to consolidate these regulations and others into a cohesive code that establishes regulatory standards, provides consistency among regulatory requirements, eliminates conflicting specifications and duplication, and maximizes ease of use for citizens, developers, contractors, and Town staff. The Town's goals in constructing the UDO include the following:

- Make the UDO user-friendly
- Incorporate flexibility provisions
- Revise and add aesthetic regulations and design guidelines
- Modernize procedures
- Encourage environmentally friendly practices
- Make the UDO accessible and easily maintained on the Town's website
- Implement the Land Use Plan

Work on this project to prepare a UDO is organized into four main tasks:

### **Task 1: Project Initiation**

### **Task 2: Code Assessment**

### **Task 3: Prepare Draft UDO for review, comment, and revisions**

### **Task 4: Prepare Revised UDO for consideration at Public Hearing**

**Task 1** included compiling and reviewing existing plans, policies and regulations, conducting interviews with staff, community leaders, and stakeholders, meeting with a Technical Committee, and conducting an initial Public Forum to provide information about this project and receive preliminary input.

This Code Assessment report presents work related to **Task 2**: A diagnosis of current development regulations in the context of key issues that need to be addressed in the UDO—including recommended changes for each—and an annotated outline showing the proposed

framework for the UDO and summarizing the content and changes within each proposed article of the UDO.

Following a period of review and comment on this Code Assessment, work will begin on **Task 3**, preparing a first draft of the UDO. The drafting will be undertaken in two installments, for the purpose of facilitating substantive review and comment by the community. Module 1 will focus on procedures, districts, and administration of the UDO. Module 2 will focus on recommended provisions for uses, development standards, and definitions. Also included in Module 2 will be form-based district regulations for Pittsboro's downtown area.

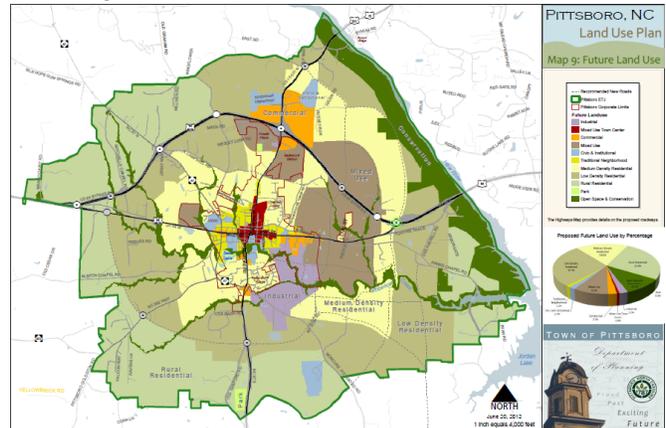
After review and comment on the second module, recommended adjustments to the Town's Zoning Map will be prepared for consideration as one of several steps needed to implement the UDO.

Based on input received during Tasks 1, 2, and 3, a Public Hearing Draft of the new UDO will be prepared and presented to the community as Task 4. Task 4 will include Work Sessions, a Public Hearing, and a final set of revisions based on these meetings and other input.

## Context: Development Patterns and Plans

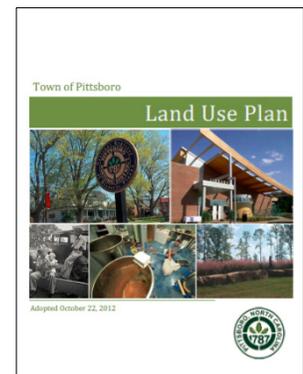
The Town of Pittsboro is on the verge of experiencing dramatically increasing growth dynamics. Serving for 200 years as the County seat for Chatham County, and with a current population of approximately 4,000 people, Pittsboro is expected to grow at a pace that will see the population likely exceed 50,000 people within the span of a few decades. There is a compelling need to update and modernize the Town's regulatory tools to put the community in a position to effectively direct and manage the growth that is coming.

Pittsboro has a distinctive and recognized historic core, along with business and industrial areas lining major highway corridors, and multiple existing residential neighborhoods. Partly in response to the expected growth pressures, the Town adopted a Land Use Plan in 2012 that establishes goals, policies, and a general vision for growth and development. Included in that Land Use Plan are recommendations to create zoning strategies designed to achieve the land use patterns in the plan, and to amend and update standards for street connectivity, parking requirements, building forms, and land use mixes.



Existing plans, regulations, legislation, and policies have been collected and reviewed as part of this Code Assessment. Those include:

- Land Use Plan (2012)
- Pedestrian Transportation Plan (2009)
- Downtown Vision Plan (2014)
- Main Street – Business and Development Plan (2012)
- Parks Master Plan (Draft)
- Pittsboro Main Street Community Goals (2011)



- Conservation Plan for Chatham County (2011)
- Special Legislation Authorizing Impact Fees (1987)

These plans and policies, along with review of the Town's existing ordinances and regulations, form the foundation for analyses and recommendations offered in this Code Assessment.

## Code Assessment Organization

This document presents information summarizing key issues to be addressed in the UDO, along with a recommended framework for the UDO. Following this **Introduction and Overview** section is a **Code Diagnosis** section—presenting a review of how Pittsboro's existing regulatory framework could be adjusted to better achieve Town goals. Based on input received to date, that review is organized around the following seven Key Issues:

**Key Issue 1: Improve User-Friendliness**

**Key Issue 2: Improve Procedural Efficiency**

**Key Issue 3: Refine Planned Development Regulations**

**Key Issue 4: Preserve Downtown Character and Establish Gateways**

**Key Issue 5: Modernize Zoning District and District-Related Standards**

**Key Issue 6: Promote Conservation of Natural Resources**

**Key Issue 7: Improve Development Quality**

Following discussion of these key issues is an **Annotated Outline** section that sets out a proposed structure for the UDO. This is presented in the form of a preliminary Table of Contents, with summary descriptions of what would be included in each of the nine articles that would make up the UDO.

At the end of this Code Assessment is an **Appendix** that shows examples of the kinds of graphic illustrations that could be incorporated throughout the UDO to illustrate key ideas.

## Overview of Recommendations

Summary of Code Assessment Recommendations			
<b>Key Issue 1: Improve User-Friendliness</b>			
<b>A. Consolidate Development Regulations</b>			
<ul style="list-style-type: none"> <li>Consolidate all primary Town development regulations into the UDO</li> </ul>			
<b>B. Enhance Organization</b>			
<ul style="list-style-type: none"> <li>Organize regulations into 10 articles               <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> <li>1. General Provisions</li> <li>2. Zoning Districts and District Regulations</li> <li>3. Use Standards</li> <li>4. Environmental and Open Space Standards</li> <li>5. Site Development Standards</li> </ol> </td> <td style="width: 50%; vertical-align: top;"> <ol style="list-style-type: none"> <li>6. Nonconformities</li> <li>7. Administration and Review Authorities</li> <li>8. Development Review Procedures</li> <li>9. Enforcement</li> <li>10. Interpretation and Definitions</li> </ol> </td> </tr> </table> </li> </ul>		<ol style="list-style-type: none"> <li>1. General Provisions</li> <li>2. Zoning Districts and District Regulations</li> <li>3. Use Standards</li> <li>4. Environmental and Open Space Standards</li> <li>5. Site Development Standards</li> </ol>	<ol style="list-style-type: none"> <li>6. Nonconformities</li> <li>7. Administration and Review Authorities</li> <li>8. Development Review Procedures</li> <li>9. Enforcement</li> <li>10. Interpretation and Definitions</li> </ol>
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<b>C. Add Flow Charts, Tables, Illustrations, and Other Graphics</b>			
<ul style="list-style-type: none"> <li>Expand use of tables and graphics to facilitate user understanding of provisions</li> <li>Use graphics to depict dimensional standards and typical development for base zoning districts</li> </ul>			
<b>D. Refine and Update Definitions</b>			
<ul style="list-style-type: none"> <li>Include definitions for all use types, including new and emerging use types</li> </ul>			
<b>E. Improve Document Formatting and Referencing</b>			
<ul style="list-style-type: none"> <li>Use distinctive headings with an outline numbering system</li> <li>Design headers and footers to inform users where they are</li> <li>Include a general and article-based tables of contents, and an index</li> </ul>			

<b>Summary of Code Assessment Recommendations</b>	
<b>F. Make Language Clearer and More Precise</b>	
<b>G. Use Supplemental Administrative Manual(s)</b>	<ul style="list-style-type: none"> <li>▪ Follow UDO adoption with development of administrative manuals providing detailed information related to application review (forms, specific content requirements, submittal checklists, fees, review cycle schedules) and the design and construction of public improvements</li> </ul>
<b>Key Issue 2: Improve Procedural Efficiency</b>	
<b>A. Clarify Review Roles and Responsibilities</b>	<ul style="list-style-type: none"> <li>▪ Identify development review and UDO administration responsibilities of Town boards and staff</li> <li>▪ Formally establish a Technical Development Review Committee with representatives of Town and outside review agencies to review major development applications</li> </ul>
<b>B. Establish Ordered Review Procedures</b>	<ul style="list-style-type: none"> <li>▪ Revise review procedures to more clearly reflect an orderly overall review process from general plans to detailed plans</li> <li>▪ Consolidate major site plan review and preliminary subdivision review into a Preliminary/General Development Plan Approval procedure</li> </ul>
<b>C. Delegate Some Decision-Making Authority</b>	<ul style="list-style-type: none"> <li>▪ Use higher thresholds to distinguish between major developments subject to Board of Commissioners approval and minor developments subject to staff approval</li> <li>▪ Make Special Use Permits subject to Board of Adjustment approval instead of Board of Commissioners approval</li> </ul>
<b>D. Establish Standard Review Procedures</b>	<ul style="list-style-type: none"> <li>▪ Require major development applicants to hold a pre-application conference with staff</li> <li>▪ Require major development applicants to hold a pre-application neighborhood meeting with the owners of properties adjacent to the development site for major development applications</li> <li>▪ Require staff to find applications complete before accepting them for review</li> <li>▪ Describe staff review steps, including applicants' opportunity to revise applications</li> <li>▪ Consolidate hearing scheduling and notice requirements and make them consistent</li> <li>▪ Consolidate and expand rules for conducting hearings (including quasi-judicial variations)</li> <li>▪ Authorize routine approval of alternative designs involving minor deviations of standards</li> <li>▪ Establish a default lifetime for approvals (subject to variation for specific application types)</li> </ul>
<b>E. Improve the Code Enforcement Process</b>	<ul style="list-style-type: none"> <li>▪ Incorporate general requirements for completion and maintenance of approved developments</li> <li>▪ Refine performance guarantee standards and apply them to certain private site elements (e.g., buffer landscaping, parking) as well as public improvements</li> <li>▪ Add standards for maintenance guarantees and apply them to public improvements and certain private site elements (e.g., tree replacement, buffer landscaping, parking)</li> <li>▪ Establish an administrative hearing procedure</li> <li>▪ Identify the full range of available enforcement remedies and penalties (including civil penalties)</li> </ul>
<b>Key Issue 3: Refine Planned Development Regulations</b>	
<b>A. Consolidate Planned Development Districts and Procedures</b>	<ul style="list-style-type: none"> <li>▪ Use one approval procedure and set of flexible standards for all planned developments</li> </ul>
<b>B. Refine Master Plan Requirements to Better Balance Predictability and Flexibility</b>	<ul style="list-style-type: none"> <li>▪ Clearly define what must be shown on PD master plans</li> <li>▪ Specify the extent of deviations from the master plan allowed in subsequent development plans</li> </ul>
<b>Key Issue 4: Preserve Downtown Character and Establish Gateways</b>	
<b>A. Establish a Downtown District with Form Standards</b>	<ul style="list-style-type: none"> <li>▪ Replace the C-4 District with a Downtown District that allows a mix of uses and applies form-based standards for placement, height, bulk, and function of buildings, as they relate to the street</li> </ul>
<b>B. Establish a Framework Gateway Overlay District</b>	<ul style="list-style-type: none"> <li>▪ Add a new Gateway Overlay District that allows for creation of subdistricts applying supplemental standards that implement objectives in small area plans for identified gateway areas</li> </ul>
<b>Key Issue 5: Modernize Zoning District and District-Related Standards</b>	
<b>A. Modify the District Line-Up to Better Accommodate Smart Growth Policies</b>	<ul style="list-style-type: none"> <li>▪ Add a new R-5 residential base district to accommodate small lots in older single-family areas</li> <li>▪ Add a new Multifamily Residential base district to accommodate multifamily development at higher</li> </ul>

<b>Summary of Code Assessment Recommendations</b>	
	<p>densities than the R-10 District (4.36 du/ac)</p> <ul style="list-style-type: none"> <li>▪ Consolidate the R-12 District into the very similar R-10 District</li> <li>▪ Convert the C-1 and C-2 Districts into mixed-use Neighborhood and Community Activity Center Districts to accommodate mixed-use development outside the downtown area (including Chatham Mills and proposed Chatham Park activity centers)</li> <li>▪ Convert the O-1 District into a mixed-use office and institutional district to accommodate residential and limited commercial uses</li> <li>▪ Revise the RA-5 District standards to rename it Agricultural-Forestry and encourage retention of agricultural and forestry uses</li> </ul>
<b>B.</b>	<b>Reduce the Reliance on Special Use Permits</b>
	<ul style="list-style-type: none"> <li>▪ Limit special uses to uses whose impacts cannot be addressed by use-specific standards</li> </ul>
<b>C.</b>	<b>Reorganize Use Standards for Greater Understanding and Flexibility</b>
	<ul style="list-style-type: none"> <li>▪ Organize principal uses under a three-tiered classification system (classifications/categories/types)</li> <li>▪ Revise the use table to list broader use types (e.g., "general retail" instead of individual retail uses)</li> <li>▪ Add a procedure for addressing unlisted uses, tied to the use classification system</li> <li>▪ Address principal uses, accessory uses, and temporary uses separately</li> </ul>
<b>D.</b>	<b>Modify Use Standards to Encourage Desired Uses and Development Forms</b>
	<p>Expressly recognize and allow or further facilitate allowance of the following uses:</p> <ul style="list-style-type: none"> <li>▪ Agricultural- and forestry-supportive uses and agritourism uses in the Agricultural /Forestry District</li> <li>▪ Uses related to urban agriculture (e.g. community gardens) in all districts</li> <li>▪ Production of artisan goods, fine art, and music (e.g., studios and galleries) in certain districts</li> <li>▪ Solar, wind, and geothermal energy systems as small-scale accessory uses in most districts</li> <li>▪ Outdoor dining, special events, and other people-attracting uses in the Downtown District</li> <li>▪ Water-conservation uses and structures</li> <li>▪ Accessory dwelling units, live/work units, neighborhood day care, home-based businesses</li> </ul>
<b>E.</b>	<b>Add Contextual Dimensional Standards</b>
	<ul style="list-style-type: none"> <li>▪ Allow reduction of minimum lot area, lot frontage, and setback standards to the average of those already existing within the same blockface and zoning</li> </ul>
<b>F.</b>	<b>Encourage Cluster Development and Simplify Relevant Standards</b>
	<ul style="list-style-type: none"> <li>▪ Consolidate regulations for water supply watershed cluster development and pocket neighborhoods into a single set of cluster development regulations incorporating conservation subdivision standards</li> <li>▪ Require residential development in the Natural Resources Overlay District to be cluster development</li> <li>▪ Allow cluster development by right and require a Special Use Permit for convention subdivisions in the Agricultural/Forestry, RA-2, and RA Districts</li> <li>▪ Vary standards for the amount and use of open space in cluster developments by district</li> </ul>
<b>Key Issue 6: Promote Conservation of Natural Resources</b>	
<b>A.</b>	<b>Establish a Natural Resources Conservation Overlay District</b>
	<ul style="list-style-type: none"> <li>▪ Require cluster development designed around maximizing preservation of mapped significant natural resource areas as open space that is designed, used, and maintained for conservation</li> <li>▪ Limit impervious surfaces to 15 % of overall site area</li> </ul>
<b>B.</b>	<b>Consolidate and Strengthen Riparian Buffer Standards</b>
	<ul style="list-style-type: none"> <li>▪ Consolidate water supply watershed riparian buffer regulations with Jordan Lake watershed riparian buffer regulations into a single set of riparian buffer regulations</li> <li>▪ Increase minimum buffer width along perennial streams within the Natural Resources Conservation Overlay District, Agricultural-Forestry District, and RA-2 and RA Districts from 50 feet to 100 feet and require a new 30-foot-wide buffer along ephemeral streams (to match Chatham County buffers)</li> </ul>
<b>C.</b>	<b>Add Tree Preservation Standards</b>
	<ul style="list-style-type: none"> <li>▪ Require retention/provision of tree canopy over a percentage of site area that varies by district and use classification (exempt the Downtown District, apply lowest percentages to nonresidential uses in urban districts and highest ones to residential development in rural districts)</li> <li>▪ Require retention of special trees (as defined by species and/or size)</li> <li>▪ Require mitigation of removed or damaged trees through replacement trees or in-lieu payments</li> <li>▪ Add standards for protecting required trees during development (e.g., barriers)</li> </ul>
<b>D.</b>	<b>Promote Low Impact Development (LID) Practices</b>
	<ul style="list-style-type: none"> <li>▪ Accommodate and encourage LID practices in the use and development standards</li> </ul>

<b>Summary of Code Assessment Recommendations</b>	
<b>Key Issue 7: Improve Development Quality</b>	
<b>A. Incorporate “Complete Streets” Principles into Access/Circulation Standards</b>	<ul style="list-style-type: none"> <li>▪ Require multimodal access and circulation design</li> <li>▪ Require accessway extensions to adjoining undeveloped land, and cross-access between adjoining commercial developments</li> <li>▪ Include access and circulation design standards referencing design guidelines and cross sections in <i>North Carolina Complete Streets Planning and Design Guidelines</i>, including its variations for types of streets (e.g., main street vs. local street) and location (e.g., urban vs. suburban vs. rural)</li> </ul>
<b>B. Modernize Parking and Loading Standards</b>	<ul style="list-style-type: none"> <li>▪ Modify (mostly reduce) parking space requirements to reflect modern best practices</li> <li>▪ Add a maximum parking space requirement for certain uses (e.g., 125% of minimum)</li> <li>▪ Allow reductions in parking where justified by demand studies or commitments to transportation demand management (TDM) practices</li> <li>▪ Expand allowable alternative parking arrangements to include shared parking, valet and tandem parking, credit for adjacent on-street parking, and deferred parking</li> <li>▪ Require bicycle parking for certain areas (e.g. downtown) or uses (e.g., schools, parks)</li> <li>▪ Allow compact vehicle spaces</li> <li>▪ Limit parking in front of buildings in certain areas (e.g., downtown, mixed-use activity centers)</li> <li>▪ Require large parking lots to be broken up into sections divided by walkways and landscaping</li> </ul>
<b>C. Expand Open Space and Recreation Area Standards</b>	<ul style="list-style-type: none"> <li>▪ Require all development to set aside a minimum percentage of site area as common open space</li> <li>▪ Vary the minimum percentage by use classification (most for residential , least for industrial) and district (exempt in Downtown, less in urban districts, least in rural districts)</li> <li>▪ Allow compliance options of in-lieu payment and off-site location</li> <li>▪ Incorporate current recreation area regulations into the new common open space regulations</li> <li>▪ Vary open space use priorities and standards by district (e.g., conservation in Natural Resource Conservation Overlay District and rural districts, various in urban and suburban districts)</li> </ul>
<b>D. Add Neighborhood Compatibility Standards</b>	<ul style="list-style-type: none"> <li>▪ Where new multifamily and nonresidential development abuts single-family development or zoning, require modified site layout, height, setback, lighting, service area, and operational standards</li> </ul>
<b>E. Add Commercial Design Standards</b>	<ul style="list-style-type: none"> <li>▪ Require commercial development outside the Downtown District to meet basic development design standards addressing building orientation and configuration, facade articulation, building entrances, parking location and outbuildings</li> <li>▪ Add extra design standards for “big box” retail development to address building footprint size, breaking up of large parking lots, and pedestrian circulation</li> </ul>
<b>F. Add Incentives for Green Development</b>	<ul style="list-style-type: none"> <li>▪ Add a point-based system of incentives for developments that incorporate green development certifications or practices</li> </ul>

## II. CODE DIAGNOSIS

Several key themes in improving Pittsboro's current development regulations emerged from the Clarion team's review of Town regulations and planning documents and from interviews with elected and appointed officials, community stakeholders, and Town staff during the project initiation stage. This part of the Code Assessment identifies and summarizes those key themes and recommends approaches to addressing them in the new Unified Development Ordinance (UDO). While the key themes somewhat overlap, they represent an organized way to discuss the strengths and weaknesses of the Town's current regulations and how they might be changed to more effectively and more efficiently achieve the Town's land development goals and objectives. This Diagnosis guides Part III's suggested outline for a new Unified Development Ordinance and its discussion of the types of regulatory provisions that might be used to address problems and issues raised by the key themes.

An overarching issue in this Diagnosis is recommending development regulations that are robust enough to address the issues of a growing town such as Pittsboro, yet simple enough to be understood by all and effectively administered by Town staff.

### Key Themes

1. **Improve User Friendliness**
2. **Improve Procedural Efficiency**
3. **Refine Planned Development Regulations**
4. **Preserve Downtown Character and Establish Gateways**
5. **Modernize Zoning District and District-Related Standards**
6. **Promote Conservation of Natural Resources**
7. **Improve Development Quality**

### Key Issue 1: Improve User Friendliness

As Pittsboro's development regulations have expanded and changed to address issues raised by its rapid growth, they have become increasingly disorganized and complicated, and thus more difficult to navigate and understand. A substantial number of the Town staff, Town officials, developers, professionals, and citizens that were interviewed indicated that they find the current regulations difficult to understand and use.

Town development regulations are scattered among seven ordinances or sets of rules, resulting in unnecessary duplication of regulations, inconsistencies among regulations addressing overlapping issues, and a lack of coordination in the overall development review process. Regulations are not organized in an intuitive way, making it harder for users to find relevant provisions and understand their context. Understanding of the regulations is also hampered by the lack of graphics, formatting, and references that help users better read and understand provisions and navigate their way through the regulations.

A user-friendly code is one that is easy to use, relies on an intuitive organization, and allows a reader to locate desired information quickly. User-friendly codes also use plain English, precise language and standards, and provide examples or illustrations of complex provisions. They are

### Improve User-Friendliness

- A. **Consolidate Development Regulations**
- B. **Enhance Organization**
- C. **Add Flow Charts, Tables, Illustrations, and Other Graphics**
- D. **Refine and Update Definitions**
- E. **Improve Document Formatting and Referencing**
- F. **Make Language Clearer and More Precise**
- G. **Use Supplemental Administrative Manual(s)**

organized and presented in a logical way that helps readers understand how different pieces of information relate to one another.

Below is a discussion of six recommendations to make the Town's development regulations more user-friendly.

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## A. Consolidate Principal Development Regulations

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Pittsboro's development regulations are largely contained in seven principal documents: the Zoning Ordinance, Subdivision Regulations, Flood Damage Prevention Ordinance, Riparian Buffer Protection Ordinance, Stormwater Management Ordinance, Lighting Ordinance, and Utility Specifications. Having development regulations scattered among multiple ordinances presents a real challenge to anyone trying to develop in Pittsboro (see sidebar).

We recommend that the ordinances listed above be consolidated into a single unified development ordinance (UDO). This would make it much easier for code users to use, navigate, and understand the Town's development regulations. This is an approach taken by many communities to make their regulations more user-friendly.

As additional development regulations are developed, they should be incorporated into the UDO.

### CHALLENGE POSED BY MULTIPLE DEVELOPMENT ORDINANCES

For example, a property owner wishing to develop residentially-zoned land for a multiple-lot commercial use must review procedures and standards for rezonings in the Zoning Ordinance, procedures and standards for division of the property in the Subdivision Ordinance, procedures and standards for stormwater management in the Stormwater Management Ordinance, standards for utilities in the Subdivision Ordinance and Utility Specifications, and standards for lighting in the Zoning Ordinance and Lighting Ordinance. If the property abuts a waterway, the owner must also consult the Flood Damage Prevention Ordinance and the Riparian Buffer Protection Ordinance. The property owner must be able to find all the applicable regulatory provisions from among the separate ordinances, determine how they interrelate (i.e., which approvals come first), and resolve any conflicts and ambiguities created where different ordinances address the same or similar aspect of development or development review.

## B. Enhance Organization

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The procedures and standards a typical development must comply with to begin construction are not only scattered among the various ordinances; they are also scattered among the different parts, articles, chapters, or sections within each of those ordinances.

To ensure that the UDO's organization is user-friendly, we recommend the regulations consolidated from the various ordinances be organized in a way that presents regulations in the order users generally find most useful—those identifying "what" the UDO requires of developers (from general to specific), then those identifying "who" among Town officials is involved in administering the UDO; and then describing "how" to obtain required approvals.

With this in mind, we recommend that the UDO be organized into ten articles (see sidebar). This organization reflects, and is supplemented by, the following recommended improvements:

- Consolidate provisions establishing and describing the various Town entities involved in administration of the development regulations into a single article.
- Consolidate all major procedural provisions into a single article that:

- Includes a summary table listing all development applications and indicating the stages and Town entities involved with each;
  - Sets out standard review procedures common to multiple review procedures (see page 18); and
  - Sets out review procedures and decision criteria for each type of development application, grouping procedures by type, with the most common ones addressed first.
- Merge regulations for the various zoning districts into a single article and condense base district regulations into a graphic format with a purpose statement identifying the range of allowable uses, a table of primary intensity and dimensional standards, and graphics depicting development typical of the district (see the Appendix on page 93 for an example of such a format)
  - Consolidate standards addressing principal uses, accessory uses, and temporary uses into a single article containing use tables and use-specific standards for each of these types of uses.
  - Group standards most directly relating to environmental concerns and open space into a single environmental and open space standards article, with sections ordered generally from broad-scope standards that define a site's developable area to the types of standards controlling development design.
  - Group standards for the various elements of site development into a single development standards article, with sections ordered generally from standards addressing major site elements to standards addressing the finer-grain elements of development design.
  - Consolidate definitions and rules of interpretation and measurement into a single article at the end of the UDO, recognizing that such provisions serve as a reference tool rather than a primary source of regulatory information.

<b>Recommended Code Structure</b>	
<b>Article 1</b>	<b>General Provisions</b>
<b>Article 2</b>	<b>Zoning Districts and District Regulations</b>
<b>Article 3</b>	<b>Use Standards</b>
<b>Article 4</b>	<b>Environmental and Open Space Standards</b>
<b>Article 5</b>	<b>Site Development Standards</b>
<b>Article 6</b>	<b>Nonconformities</b>
<b>Article 7</b>	<b>Administration and Review Authorities</b>
<b>Article 8</b>	<b>Development Review Procedures</b>
<b>Article 9</b>	<b>Enforcement</b>
<b>Article 10</b>	<b>Interpretation and Definitions</b>

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### **C. Add Flow Charts, Tables, Illustrations, and Other Graphics**

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Over the years, experience shows that the way a development code looks, or is formatted, affects its user friendliness. One key way to make a code user-friendly is through the use of graphics. The old adage “a picture is worth 1,000 words,” is certainly true when communicating the intent of development regulations and minimizing room for interpretation. Flow charts, tables, illustrations, diagrams, and other graphics are helpful in codes because they convey information concisely and in many instances more clearly, thus eliminating the need for lengthy, repetitive text.

Flow charts are becoming commonplace in modern development regulations because of their ease of use and their power to convey complex procedural relationships. A table can

reduce the space required to convey the same information in text, and do so in a manner that is easier to read and understand.

The Town's current development regulations make limited use of tables (for uses and parking) and no use of flow charts, and include few graphics. To enhance the graphic quality and understanding of Town development regulations, we recommend the following improvements for the UDO:

- o Expand the use of tables to more succinctly show standards with multiple variables, such as standards for access management, street design, driveways, signs, and even public hearing notice requirements.
- o Incorporate into base zoning district regulations graphics that depict development typical of the district.
- o Enhance all review procedures in the new administration article with flowcharts, which quickly convey the interrelationships between procedural steps.
- o Add illustrations, diagrams, photographs, and other graphics to more clearly show how dimensional standards are measured and how development standards (for parking, landscaping, buffers, screening, lighting, etc.) and especially building form and design standards are applied.

(See the Appendix on page 93 for examples of graphics used in other Clarion codes.)

#### D. Refine and Update Definitions

A number of people interviewed or providing feedback during the project initiation indicated that some of the definitions used in the current regulations are in need of revision, modernization, and clarification. Many regulated uses are not defined, creating the need for interpretation. There are also inconsistencies among the definitions contained in the various development ordinances.

In addition to consolidating all definitions in a single article, we recommend the following improvements to enhance the usefulness of definitions in understanding UDO regulations:

- o Include definitions of all use types identified in the UDO
- o Update definitions to include new use and emerging use types (e.g., live-work units, solar energy systems) and new regulatory concepts (e.g., build-to line or zone).
- o Ensure that definitions do not incorporate standards and requirements (which should be located in the regulations).
- o Ensure all definitions are clear, precise, and written in plain English.

#### E. Improve Document Formatting and Referencing

Some interviewees noted that the formatting of the current development ordinances make them difficult to navigate and use. Most pages in the regulations consist of text running from margin to margin, with little or no separation or visual distinction between

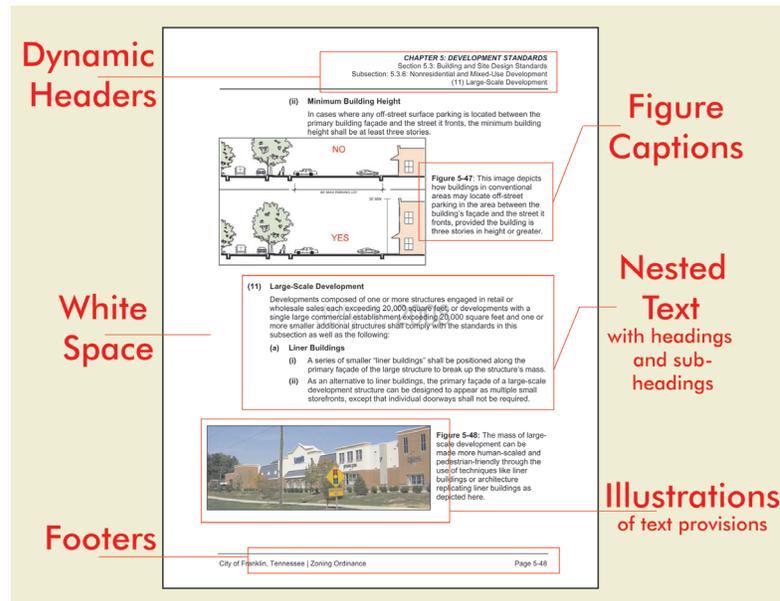


Example process flow chart

provisions. The relationship between sections, subsections, etc. is not always clear or logical. Page numbering is sequential, providing users no reference to their content. Cross references are not widely used, and there isn't an index.

To help users better read, understand, and navigate their way through the UDO, we recommend the following improvements:

- o Establish a hierarchy of articles, sections, and subsections, with an outline numbering system that is more logical and clearly relates the sections and subsections to the higher levels under which they are located. Besides making it easier to understand and navigate through the regulations, this will also make it easier to incorporate future amendments without substantial reorganization and renumbering of sections and pages.
- o Use distinctive heading styles to clearly distinguish various sections, subsections, paragraphs, and subparagraphs.
- o Use indents, tables, and graphics to better balance text and white space on pages—which will make text easier to read and further clarify and distinguish sections, subsections, paragraphs, and subparagraphs.
- o Provide headers that identify the article, section, and subsection (by number and title) addressed on each page and that allow users to quickly thumb through the pages to find the regulations they are seeking.
- o Provide footers that identify the document by title and date and include page numbers that identify the article (e.g., page 2-3 for the third page of Article 2).
- o Make frequent use of hyperlinked cross-references that allow users to easily access related provisions, tables, and graphics.
- o Provide a general table of contents at the beginning of the UDO and a detailed table of contents at the beginning of each article.
- o Include an index of topics at the end of the document.



Page elements in a modern code

## F. Make Language Clearer and More Precise

Another way to make regulations user-friendly is to ensure that ordinance language is clear and precise. Standards, procedures, and other requirements that are unclear invite different interpretations and create uncertainty for development applicants as well as staff, review boards, and the public. An unclear and imprecise standard is subject to

various interpretations, which can result in their inconsistent application. There are numerous instances where current provisions use general and imprecise language, or conflict with other provisions.

During development of the UDO, all carried-forward provisions will be reviewed for clarity, and where appropriate, revised with clearer and more precise wording. Vague or overly general standards will be transformed into more objective language or quantifiable standards that achieve intended purposes, but in a way that is clear to all users. Once clear, objective standards are included in the regulations, they can be applied in a consistent manner to each project that comes up for review.

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## G. Use Supplemental Administrative Manual(s)

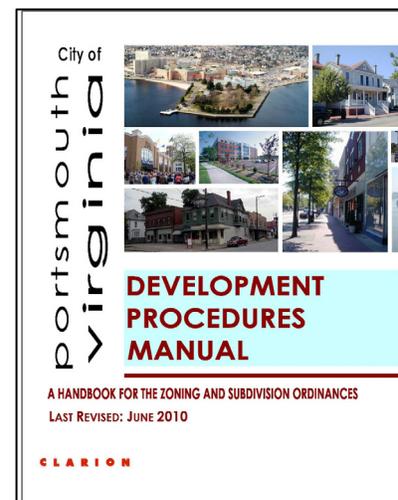
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It is common for codes to refer to a manual containing those requirements, standards, specifications, and practices that are too detailed to include in the development code—i.e., where their inclusion would “clutter” the code to such an extent that the code becomes very difficult to understand and apply. Examples include specific requirements for the scale and content of plans being submitted and detailed design standards for streets, driveways, and or utilities. Also, because these detailed requirements are typically subject to frequent minor modifications, including them in a manual referenced by the development code avoids both cluttering the code and the need to go through an involved ordinance amendment every time a minor modification is needed.

The Town's current Utility Specifications document is an example of such an administrative manual. But the Town's current development ordinances contain some other detailed and technical engineering standards that could be similarly located in a manual. Current regulations also contain detailed application and plan content specifications (e.g., for site plans and preliminary and final subdivision plats) that take up several pages each and cannot be readily modified to reflect changing standard practices or technology or the characteristics of a particular development site.

We recommend that soon after adopting the UDO, the Town consider preparing an administrative manual or manuals that would include detailed application and technical specifications supplementing standards and requirements in the UDO. Specifically, we suggest that an administrative manual or combination of administrative manuals include the following:

- o Forms, specific content requirements, and submittal checklists for each of the development applications required by the UDO.
- o A schedule of fees required for application reviews and other requests for approval (as approved annually by the Board of Commissioners).
- o A review cycle schedule for major development applications (with board meetings).
- o Technical specifications and standard details for utilities, driveways, sidewalks and any similar specifications and details for streets and stormwater management the Town uses to supplement NCDOT and NCDNER design manuals.



An Administrative Manual prepared for another jurisdiction

An administrative manual might also include summary or explanatory information on how to use the UDO or most effectively participate in application review processes (e.g., serve as a “citizen’s guide” to the development review process).

While development of administrative manuals is neither integral to adoption of a UDO nor part of this project, such manuals serve as a tool that would make the new UDO function more efficiently and effectively.

## Key Issue 2: Improve Procedural Efficiency

If development regulations are to effectively help achieve the community’s planning and development goals, they must include an efficient process for reviewing and approving development proposals and ensuring that approved development occurs in compliance with the regulations and conditions of approval.

A review process is efficient when the general framework for development permitting is not redundant, review procedures and standards provide a reasonable degree of certainty, the development review process is transparent to the development community and affected residents, and the review process for each type of permit is streamlined to the greatest extent possible without sacrificing assurance that relevant substantive planning and development goals are supported in making development decisions.

Stripping the development permitting framework of redundancy involves ensuring that the individual types of permits achieve different and discrete procedural and substantive objectives. Too much overlap makes a code cumbersome and complex.

Certainty and transparency is achieved primarily by establishing clear review procedures and definite and understandable review standards, where relative roles in the review process are clearly set out.

Streamlining is achieved in a combination of ways, including:

- Consolidating the overall review process so a developer has fewer permits or approvals to obtain;
- Reducing the number of review steps where possible; and
- Relying more on administrative-level review instead of discretionary review where community planning and development goals can be achieved with objective standards.

Compliance with applicable regulations and conditions of approval is promoted by establishing clear and effective procedures and standards to ensure that developers carry out development as approved and correct any ordinance violations, and by ensuring the Town has a full tool box of enforcement measures to draw on if necessary.

Below are recommendations to improve the efficiency of the Pittsboro’s development review processes.

**Improve Procedural Efficiency**

- A. Clarify Review Roles and Responsibilities**
- B. Enhance Organization Establish Ordered Review Procedures**
- C. Delegate Some Decision-Making Authority**
- D. Establish Standard Review Procedures**
- E. Improve the Code Enforcement Process**

## **A. Clarify Review Roles and Responsibilities**

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### **1. Identify Staff and Board Responsibilities**

Although the current Zoning Ordinance establishes and describes the roles and responsibilities of the Planning Board and Board of Adjustment, it says little about the role and review responsibilities of Town staff. The Flood Damage Prevention Ordinance and Stormwater Management Ordinance do elaborate on Town staff review responsibilities, but are not consistent. To inform UDO users about who is involved in the development review process and their relative roles and responsibilities, we recommend that the UDO include an article that:

- Generally carries forward provisions establishing the Planning Board and Board of Adjustment and clearly identifies the development review responsibilities of each.
- Identifies the role and responsibilities of the Board of Commissioners in development review.
- Identifies Town staff positions proposed to be involved in development review and administration of the UDO, and identifies their responsibilities.

### **2. Formally Establish a Technical Development Review Committee**

As in most growing communities, major development applications in Pittsboro are increasingly reviewed by a group of staff members from the Town and outside agencies who work with applicants as necessary to refine plans before they are decided or passed up for board review and action. In many communities, this technical group is formalized and its development review responsibilities established in the development code, along with procedures and rules to ensure a consistent and fair review of development applications.

We recommend that the UDO formally establish such a group (proposed to be titled the Technical Development Review Committee—or TDRC) and provide for its advisory review of major development applications (e.g., applications for conditional rezonings, major subdivisions, special use permits, and major site plans). We suggest that the Committee be chaired by the Planning Director and consist of a representative from the Town's Planning, Engineering, Public Utilities, Parks and Recreation, and Fire Departments, as well as representatives from outside agencies that may be involved with the review of development in the Town's jurisdiction (e.g., Chatham County's Environmental Health, Environmental Quality, and Public Works and Utilities Departments, NCDOT district office).

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## **B. Establish Ordered Review Procedures**

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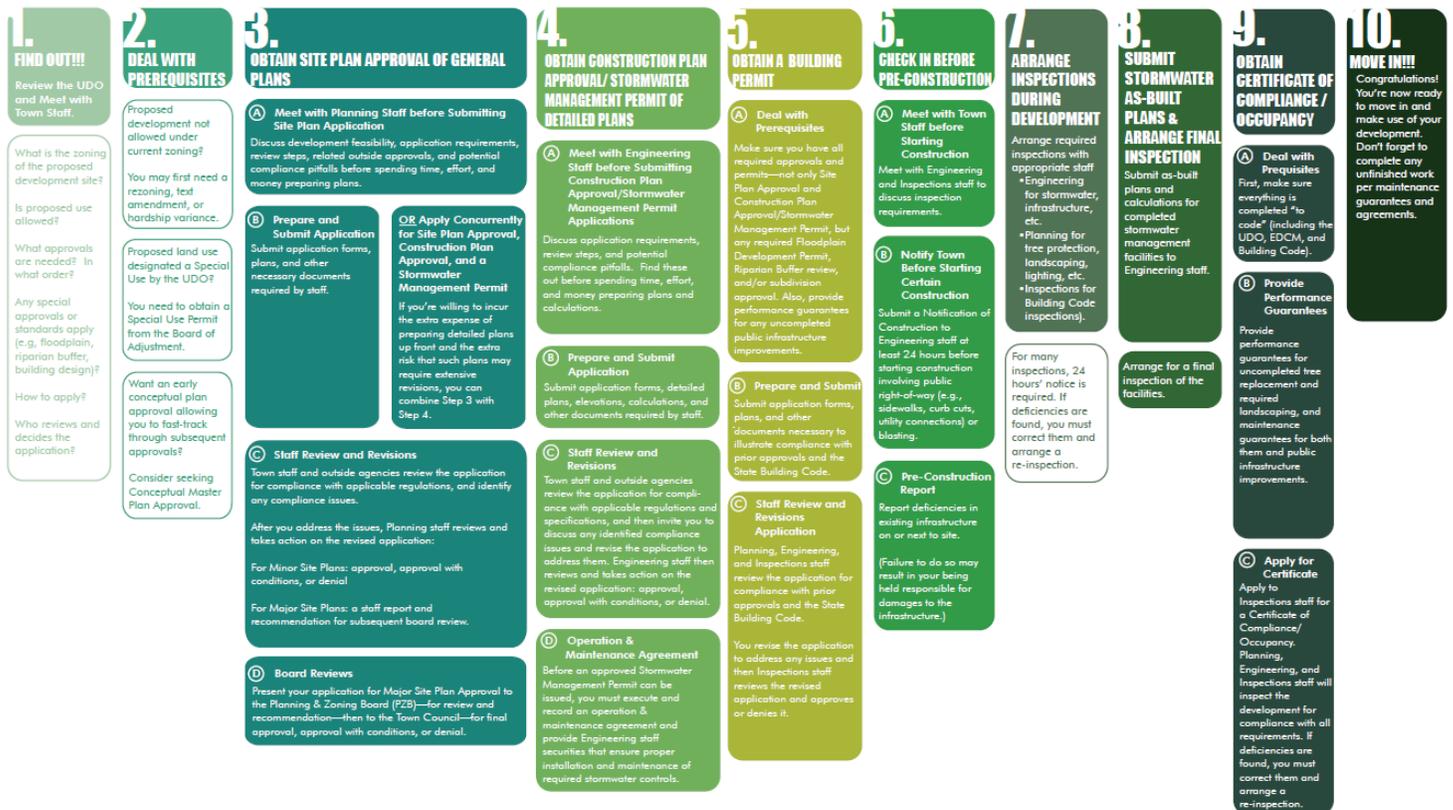
In most communities, development review proceeds from an initial review of general or preliminary plans indicating the main elements of the development towards a final review and approval of very detailed plans just before land disturbance and start of construction may occur. This recognizes both the decision-maker's need to discern what is being proposed and the developer's need to avoid committing time and money to preparing detailed and final plans before development approval.

For example, applications for planned developments and conditional rezonings typically involve very general concept or master plans showing the layout of major streets, general locations, general use categories, and intensities of major parts or phases of the proposed development, and perhaps representative building types. Approval of such plans does not itself authorize development; they just authorize proceeding to subsequent steps that lead to such authorization.

Applications for special use permits, general site plans, and preliminary subdivision plats, on the other hand, represent a middle stage of review involving general development plans that typically show the general layout of open spaces, streets, and major utility lines and stormwater facilities. For other than plats, they also typically show the general layout of buffers and landscaped areas, driveways, sidewalks, service areas, basic building location and design, and other major site elements, as well as the relationship between the proposed development and surrounding properties and streets. Such information is intended to demonstrate general compliance with applicable development regulations —i.e., that there are no fatal flaws—but probably will represent only about half of the total design work that ultimately will be needed for the development. If preceded by approval of a general concept or master plan, they must also be consistent with the prior-approved plans, but are typically allowed to deviate from them in minor ways.

Applications for final authorization of a development typically include detailed construction drawings that provide all the detailed information necessary to demonstrate full compliance with all applicable development regulations. For many developments, they are preceded by approval of a general development plan, with which they must be consistent, but from which minor deviations are allowed (e.g., to accommodate site conditions discovered during preparation of the detailed plans. Below is an example diagram showing a basic review process most developments go through.

## DEVELOPMENT REVIEW PROCESS CHART



Example of an overview of basic review procedures.

Comments received during project initiation indicate that current development review procedures do not reflect an orderly and clearly discernable progression of approvals, and are unclear about the degree of plan detail required of development proposals at various levels and types of review—especially site plan review. Developers expressed concern that if they submit a general site plan for site plan review, they run the risk of Town staff or a reviewing board rejecting the plan or delaying review pending the provision of additional detail—but if they submit a detailed site plan, they incur the extra costs of preparing the detailed plans and risk significant delays and further cost increases from having to revise detailed plans to respond to a multitude of questions about technical details.

We recommend that review procedures be consolidated and modified as necessary to more clearly reflect an orderly progression of overall development review from the general to the specific. Specifically, we recommend that the review procedures provide for review and approval of conceptual master plans (for planned developments and possibly conditional rezonings), preliminary and/or general development plans (e.g., major site plans, preliminary subdivision plats, and possibly plans associated with Special Use Permits), and final and/or detailed development plans (e.g., minor site plans and plans associated with Stormwater Permits, Flood Development Permits, riparian buffer determinations, etc.).

Although plans submitted for preliminary subdivision plat review do not address buildings and lot-specific development elements, they otherwise fall in the same middle level of plan detail found with plans submitted for major site plan review. We thus recommend that these two reviews be combined into a single Preliminary/General Development Plan Approval procedure.

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## **C. Delegate Some Decision-Making Authority**

### **1. Delegate More Development Plan Approval Authority to Town Staff and Planning Board**

Site plan review and subdivision plat review in Pittsboro currently involve review by Town staff, then the Planning Board, and then the Board of Commissioners—generally after multiple meetings. A common concern expressed by interviewed developers and design professionals is that these processes (especially site plan review) take too long and are subject to too much uncertainty.

One technique many communities have embraced to reduce the length of time required for development plan review and minimize uncertainty is to provide Town staff more authority to decide some or all development plan applications. As opposed to policy issues inherent in rezoning decisions, site plan review and subdivision plat review typically involve determinations of whether or not a plan meets objective standards set forth in the development regulations. In an increasing number of communities, the elected officials set the clear and objective rules for these development plan reviews through an initial legislative review and adoption, and then rely on professional staff to apply those rules fairly and effectively.

In small communities that lack the staff needed to review development proposals, most development might be efficiently reviewed and decided by the governing body. As communities become larger and more urban, however, the number and complexity of development proposals increase, as do the demands on the governing body to deal with issues not related to development. The governing bodies in these communities find it necessary and desirable to delegate development review authority to the staff, or at least to the planning board. Furthermore, many standards

are very technical and require professional expertise to apply. Town staff is more likely to have that expertise than any town board.

With a population of close to 7,000, the Pittsboro area represents a fast-growing community in one of the nation's fastest-growing metropolitan areas. It has reached that stage in a municipality's growth when it is appropriate to consider relying more on staff to handle a significant portion of routine development plan reviews—while recognizing that the Board of Commissioners will still need to be the decision-maker for the largest and/or most controversial projects.

We recommend that the UDO distinguish between major and minor developments, as applied to site plans and subdivisions. We recommend that the Board of Commissioners retain authority to decide the primary applications for development plan approval involving large or more controversial types of development (major development), and Town staff having authority to decide all other applications for development plan approval (minor development).

The dividing line between which development plans are subject to review by the Board of Commissioners and Town staff should be established by objective thresholds defined by factors such as:

- The size of the development (e.g., 50 dwelling units/lots for residential developments or 25,000 square feet of nonresidential floor area);
- The type of use (e.g., uses that usually involve complex or potentially controversial issues or widespread impacts, such as quarries, hospitals, schools, correctional facilities, flea markets);
- The location of the development (e.g., in environmentally-sensitive areas, or in the downtown or gateways); or
- A combination of the above.

## **2. Delegate Special Use Permit Review to Board of Adjustment**

Currently, all authority to decide applications for special uses rests with the Board of Commissioners. On page 36, we recommend that the Town reduce its reliance on special use permits by adding or expanding use-specific standards that enable some uses currently requiring a special use permit to be approved by right—thereby limiting the special use permit process to a much smaller list of uses that truly merit special use status. Here we recommend that authority to decide applications for special use permits be delegated from the Board of Commissioners to the Board of Adjustment.

Under North Carolina law, the review of special use permits is subject to quasi-judicial proceedings and rules. Those rules restrict the ability of board members to communicate with anyone about a proposed special use outside of the public hearing on the application. They also require testimony to be sworn and decision-making boards to make formal findings of fact. Such restrictions and formalities apply to almost all proceedings before the Board of Adjustment, who currently must adhere to them in reviewing appeals and applications for variances. But they may conflict with perceived obligations of elected members of the Board of Commissioners to be readily open and responsive to comments and concerns of town citizens.

Below is a summary table of suggested development review procedures for the Pittsboro UDO. It reflects many of the recommendations in this and the following sections.

<b>Summary of Suggested Development Review Procedures</b>										
C = Review and Comment    R = Review and Recommend    D = Review and Decide ( ) = Public Comment Session    [ ] = Standard Public Hearing    < > = Quasi-Judicial Public Hearing M = Mandatory										
Application Type	Pre-Application Staff Conference	Neighborhood Meeting	Review Authorities							
			Staff					Advisory	Decision-Making	
			Building Official	Technical Development Review Committee	Town Engineer	Planning Director	Planning Board	Board of Adjustment	Board of Commissioners	
<b>Basic Development Review Procedures</b>										
Preliminary/General Development Plan Approval [1]	M	M		C	C	R	R			D
Final/Detailed Development Plan Approval [2]					C	D				
Stormwater Management Permit					D					
Compliance Permit			C		C	D				
Building Permit [3]			D		C	C				
Certificate of Compliance/Occupancy [3]			D		C	C				
<b>Supplemental Development Review Procedures</b>										
Special Use Permit]	M	M		C		R			<D>	
Riparian Buffer Development Review	M				D	C				
Floodplain Development Permit					C	D				
Sign Permit			C			D				
Record Plat Approval					C	D				
Site-Specific Development Plan Designation						R	(R)			[D]
<b>Variances and Appeals</b>										
Variance	M	M				R			<D>	
Riparian Buffer Variance	Major	M	M			R	C		<D>[4]	
	Minor	M	M			R	C		<D>	
Stormwater Variance	Major	M	M			R			<D>[4]	
	Minor	M	M			R			<D>	
Administrative Appeal									<D>	
<b>Ordinance Amendments</b>										
Rezoning	General	M	M		C		R	(R)		[D]
	Conditional	M	M		C		R	(R)		[D]
	Planned Development	M	M		C		R	(R)		[D]
Text Amendment					C		R	(R)		[D]
NOTES: [1] This is the primary review procedure for major developments. [2] This is the primary review procedure for minor developments and a second-stage review procedure for major developments. [3] Review procedures for Building Permits and Certificates of Compliance/Occupancy are established in the Building Code, but are shown here because they are closely related to the development review procedures in this Ordinance. [4] The Board of Adjustment's decision is preliminary and is submitted to the N.C. Environmental Management Commission for a final decision										

## D. Establish Standard Review Procedures

As discussed earlier, the procedures for the review of development applications are scattered throughout the current development ordinances. One of the best ways to streamline the development review process while adding greater predictability and consistency is to include a section that consolidates procedures and requirements common to the review of different types of applications.

The section would establish a single set of rules that take an application from the beginning of the development review process to the end. The application-specific procedures that follow would, for the particular application type, identify which standard review procedures and requirements are applicable, describe any variations from those procedures and requirements, and list applicable decision-making criteria.

Consolidating standard review steps helps code users better understand the Town's basic development review procedures and procedural requirements. It also avoids unnecessary duplication of common procedural provisions, ensures consistent application of common procedures, and eliminates the need to amend multiple sections of the code if a standard procedural provision is revised.

We suggest that this standard review procedures section address the following steps, several of which are discussed in greater detail below:

- Who has authority to submit applications
- Pre-application conferences
- Neighborhood meetings
- Application submittal and acceptance
- Staff review and action, including the opportunity for application revisions
- Deferral and withdrawal of applications
- Public hearing scheduling and public notice requirements
- Advisory board review and recommendation
- Decision-making board review and decision (including the imposition of conditions on approval)
- Post-decision actions and limitations

Recommendations addressing these issues are discussed below.

### 1. **Require a Pre-Application Staff Conference for Major Applications**

Pre-application conferences between a prospective applicant and staff help facilitate the development review process for several reasons. The prospective applicant is able to confirm whether the intended application is the appropriate type of application for the desired development, and thereby avoid wasting time and effort in seeking an approval that does not meet development objectives (e.g., seeking a special use permit or variance when objectives can be achieved with an administrative modification). The prospective applicant also can get a better understanding of application submittal requirements and deadlines, the review schedule, and what might cause delays to the review schedule (e.g., an incomplete application, pending studies, plans, or policy changes). Such information allows the applicant to better plan and account for the time and effort needed to obtain development approval.



**Pre-application conferences help applicants understand the process and Town staff understands the proposal**

Finally, a pre-application conference allows the prospective applicant and staff to identify and discuss substantive issues most likely to be raised by the proposed development, and perhaps to identify potential solutions. The better understanding a prospective applicant has of relevant procedural and substantive issues before preparing and submitting an application, the more likely the application will be complete, the less likely there will be misunderstandings between the applicant and staff or other review bodies, and the more likely the application will appropriately address relevant standards and issues. This, in turn, makes it more likely the review process will be as smooth and streamlined as possible.

Although a pre-application conference would be beneficial for all types of applications, we recommend that the UDO require one for the following major development applications because they potentially involve more significant or more complicated procedural and substantive issues and impacts.

- General Use Rezoning;
- Conditional Rezoning;
- Special Use Permit; and
- Preliminary/General Development Plan Approval.

We also recommend that a pre-application conference be required before applications for a variance—because they require a special type of hardship justification that it is important for the applicant to fully understand.

We recommend that the UDO expressly state that a pre-application conference is voluntary—but strongly encouraged—for all other types of development applications.

## 2. Require Neighborhood Meeting for Major Applications

Neighborhood meetings are used by an increasing number of local governments as a means by which a development applicant informs neighboring landowners and residents about the proposed development, hears their concerns, and hopefully revises development plans to resolve many of those concerns.

Such meetings provide an informal opportunity for an applicant and neighbors to have an honest and good faith discussion of concerns about the proposed development before the positions of the applicant and neighbors are hardened—as they so often are by the time an application gets to a public hearing. Even if opposition to the development continues after the neighborhood meeting, the relevant issues tend to be identified early and the applicant's and opponents' positions during subsequent review meetings and hearings tend to be more focused on those issues—and thus helping to streamline the review and decision-making process.



**Neighborhood meetings give adjacent land owners the opportunity to hear about a project prior to an application and provide comment**

The requirements and timing for neighborhood meetings vary from community to community. Some require them of most development applications. More commonly, communities require them only for major development applications and make them optional for all other applications. Some communities allow the planning director to determine whether the application triggers a required neighborhood meeting based on whether the development proposed is anticipated to generate a certain level of impact on adjacent lands, roads, or public facilities.

In terms of timing, some communities require neighborhood meetings to be held before the development application is submitted. Others require them to be held after application submittal, but before the application goes to a board for review.

We believe the most appropriate time to conduct a neighborhood meeting is before the application is submitted. At this time, the applicant is less likely to be tied to a particular development design, and the neighbors learn of the development proposal at a time when a number of concerns can be resolved before formal proceedings begin.

We recommend that the UDO require a neighborhood meeting for the following major development applications:

- General Use Rezoning
- Conditional Rezoning
- Special Use Permits
- Major Development Plan Approvals

We also recommend that if the UDO requires or encourages neighborhood meetings, it include procedures for how the neighborhood meeting is conducted. Such procedures should require the following:

- That the applicant provide written notification of the meeting to surrounding property owners and affected neighborhood organizations a reasonable period of time before the meeting.
- That the meeting be held at a location convenient to the affected neighborhood or properties.
- That, at the meeting, the applicant explain the development proposal, provide neighbors an opportunity to ask questions and voice concerns, and make a good faith effort to resolve or otherwise address those concerns.
- That the applicant prepare a written summary of the meeting and include it with the application (providing neighbors an opportunity to review and add their comments to the summary).

### **3. Define Application Submittal and Acceptance Procedures**

One problem that emerged during our evaluation of current development review processes is that there is no clear determination of whether a submitted application includes the basic submittal materials needed to conduct an adequate review. This can result in a delay in application reviews, as applications are revised to provide missing information and reviews postponed or prolonged awaiting such information.

Many communities have benefited from provisions that expressly authorize staff to review submitted applications to determine whether they are “complete,” and allow an application to be accepted for review only if found to be complete. We recommend that the UDO include such provisions. The provisions would:

- Provide that applications are “complete” when they contain all the relevant and appropriate application submittal requirements and the required fee;
- Reference an administrative manual (see discussion and recommendations on page 12) for a list of submittal requirements for the various application types;
- Give Town staff a limited time (no more than five work days) to determine whether a submitted application is complete and notify the applicant of that determination; and
- Give the applicant an opportunity to complete the application within a certain timeframe, after which the application would be considered withdrawn.

#### 4. Add Staff Review Procedures

Most current development review procedures say little or nothing about staff review of applications. We recommend that the UDO include provisions spelling out the steps taken during the staff review process. Such steps would include:

- The Planning Director’s distribution of an application to all Town staff members and outside agencies deemed appropriate for the specific type of application
- Review of the application by Town staff members and outside agencies and submittal of comments on the application back to the Planning Director within a reasonable time frame
- Notice from the Planning Director to the applicant that identifies where the application fails to comply with applicable development regulations, suggests how those compliance deficiencies might be corrected, and offers the applicant the opportunity to discuss the deficiencies and revise the application to address them within a certain time frame
- The Planning Director’s action to approve or deny the application, or to prepare a staff report recommending approval of denial and submit the application and staff report to an advisory or decision-making board within a reasonable time before that board meets to review the application



The provisions would also set out what happens if the application is not revised to correct deficiencies within the time frame (e.g., major outstanding deficiencies would probably result in staff denial or recommendation for denial, and minor deficiencies would result in conditions of approval or recommended conditions of approval). In addition, they would set out how an application might be withdrawn.

#### 5. Consolidate Hearing Scheduling and Notice Requirements

We recommend that the standard review procedures include a subsection that spells out how hearings on certain applications are scheduled and consolidates minimum hearing notice requirements for the various applications. Such provisions would include a table specifying the types of notice and timing of notice required for each application involving a hearing. They would also spell out what each type of notice (e.g., published, mailed, posted) must contain and how they must be provided.

## 6. Expand Board Review Procedures

Although current development regulations set out in varying detail how the Planning Board, Board of Adjustment, and Board of Commissioners review and take action on applications, we recommend the section containing standard review procedures consolidate those provisions in to a single set of review procedures for advisory boards (e.g., the Planning Board for some applications) and a single set of review procedures for decision-making boards (e.g., the Board of Adjustment and Board of Commissioners). Such provisions would reference hearing procedures discussed below.

## 7. Expand Hearing Procedures

Hearings on development applications may be legislative or quasi-judicial. Legislative hearings are required by State law on applications for text amendments and rezonings. State law requires quasi-judicial hearings on applications for special use permits, variances, and appeals. Whereas legislative hearings allow presentation of a wide range of public comments on an application, quasi-judicial hearings are evidentiary hearings with special requirements:

- Testimony and submitted documents must be directly relevant to determination of whether or not the application complies with the specific conclusions that must be reached to approve the application;
- Testimony must be sworn and mere or non-expert opinions should not be allowed;
- Cross-examination of witnesses must be allowed; and
- *Ex parte* communications must be disclosed.



Public hearing procedures help applicants and citizens understand the rules of participation

The current development review procedures do not clearly set out what is involved in hearings. We recommend that the standard review procedures include a subsection that sets out a basic procedure for the conduct of hearings—including:

- Who has the right to speak or present evidence;
- The order in which the applicant, Town staff, and others may speak and respond to others;
- The board chair's authority to reasonably limit the length of comments; and
- How hearing proceedings are to be recorded and made available to the public.

The subsection would also note the added requirements (swearing in, cross-examination, etc.) applicable to quasi-judicial hearings.

## 8. Authorize Approval of Equivalent Alternative Designs

Some modern development codes include procedural provisions that allow entities deciding development applications to routinely approve plans that show an alternative design to that typically required for strict compliance with certain development standards. Such provisions differ from variance provisions in that they do

not involve a hardship and are based on parameters and criteria that are expressly specified upfront in the code itself (as opposed to the general criteria and substantial discretion involved with variances).

We recommend that the UDO's standard procedure include such provisions. The provisions would:

- Identify those specific standards from which deviations may be incorporated into the alternative design
- Specify the maximum extent of deviation from relevant standard(s) that may be incorporated into the alternative design (generally by percentage)
- Set out specific criteria for approval of alternative designs

Standards from which deviations may be incorporated into an alternative design might include various lot dimensions, setbacks, height limits, yard encroachments, number of off-street parking spaces, fence height, lighting illumination levels, and dimensions and planting rates and spacing for perimeter buffers and parking lot landscaping. The extent of allowable deviation might be limited to ten or 15 percent, though higher percentages might be allowed in districts or for types of development where greater flexibility may be needed to encourage redevelopment or achieve community goals (such as the downtown or gateways). (See example table below.) Identification of standards from which deviations are allowed and the degree of allowable deviation will be identified during the drafting of the UDO.

STANDARD	MAXIMUM ALLOWABLE EXTENT OF ADJUSTMENT
Minimum lot width, minimum lot coverage, and minimum setbacks	15%
Maximum height	
Maximum setback encroachment	15%
Minimum required number of off-street parking spaces, loading, or stacking spaces	15%
Maximum number of off-street parking spaces	15%
Minimum planting rate	15%
Minimum perimeter landscaping strip width	15%
Minimum perimeter buffer width	15%
Minimum streetscape planting rate	15%
Minimum screening height	1 ft
Maximum fence height	1 ft
Maximum lighting height	10%
Maximum light levels	10%

**Example of a table of allowable standard deviations from another community's code**

Criteria for approving alternative designs might typically require the decision-maker to find that the alternative design:

- Incorporates deviations only from specified standards and only to specified extents;
- Is justified by site or development conditions that make strict compliance with the relevant standard impossible or impractical, or that impede compliance with environmental standards or other development standards;

- Achieves the intent of the relevant standard to an extent equal to or exceeding that achieved by strict application of the standard; and
- Imposes no greater impacts on adjacent properties than would occur through strict application of the relevant standard.

Although such provisions allow only a small degree of increased design flexibility, that small increase can be important in allowing higher quality development and greater environmental protection. For example, an alternative design might propose a 15 percent reduction of a required 20-foot rear setback to shift the location of a new building the three feet necessary to preserve an existing large tree or provide a low-impact stormwater management measure instead of a pipe or catch basin.

While this alternative design option may be available for a wide range of development standards, the Town may want to opt for a narrower focus in the short term while gauging the effectiveness of the option.

### **9. Add Post-Approval Procedures**

We recommend that the standard review procedures include a subsection requiring the Planning Director to provide reasonable notice of the Town's final decision on an application to the applicant and other affected parties. This is important because such notice generally triggers the time period within which the applicant or affected party is allowed to appeal the decision.

We also recommend that the subsection include provisions that:

- Establish a default time period during which a development approval remains valid (where not set by the application-specific procedures); and
- Require a minimum time lapse between denial of an application and submittal of another application for essentially the same development.

These provisions ensure that development approvals automatically lapse if not followed up with development activity within a reasonable time and that an applicant cannot attempt to wear the Town down with successive applications for the same or similar development.

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## **E. Improve the Code Enforcement Process**

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As discussed under Key Issue 1 (Improve User Friendliness), we recommend consolidating and reorganizing the Town's principal development regulations to group enforcement provisions from the various current regulations into Article 9 of the UDO. The following subsections address recommended changes to those current enforcement provisions.

### **1. Expand Performance and Maintenance Standards**

The current Subdivision Regulations include provisions addressing how the completion of required subdivision improvements is ensured by the posting of performance bonds or other assurance, and inspections. Various standards in the Zoning Ordinance and Subdivision Regulations require that development elements be maintained in good order. Although current development regulations refer to the phasing of planned developments, they contain no criteria or procedure for phasing and say nothing about the phasing of other types of development.

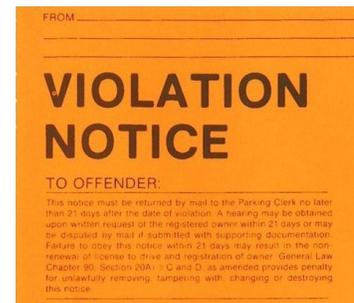
We recommend consolidating and expanding such provisions into a section that would:

- State a developer's responsibilities to:

- Perform actions necessary to complete development in accordance with applicable standards, permits, and conditions of approval;
  - Maintain all public facility improvements until their acceptance by the Town or other public agency; and
  - Maintain private elements of development (e.g., buffers, parking) until a certificate of compliance is issued.
- Carry forward the current performance guarantee provisions, modifying them to:
    - Clarify their application to all required infrastructure improvements until acceptance by the Town, a public agency, or a utility; and
    - Apply them to ensure completion of certain required private site elements (such as tree replacement, perimeter buffers, and landscaping) until a certificate of compliance is issued
  - Add provisions authorizing the phasing of any development in accordance with an approved phasing plan and phasing criteria intended to ensure that each phase of a development, in conjunction with previous phases, could exist as a fully compliant development if the approved development were abandoned mid-stream.

## 2. Identify Example Violations

Although current development regulations include enforcement provisions applicable to violations of the regulations, it is not always clear to developers or Town staff what actions constitute a violation. We recommend that the enforcement article of the UDO more fully describe what constitutes a violation of the UDO (including a failure to comply with any term or condition of an approval) and list examples of specific violations.



## 3. Establish an Administrative Hearing Procedure

Experience tells us that the most effective way to enforce development code violations is usually through working with the violator to correct the violation. To that end, we recommend that the UDO call for notices of violation to give the violator the options of working with Town staff to correct the violation, and requesting an administrative hearing with Town staff, before formal penalties are imposed.

## 4. Identify the Full Range of Available Remedies and Penalties

The Town's current development regulations vary in the number and types of remedies and penalties they identify as available to enforce them, with the most complete menu of remedies and penalties found in the riparian buffer and stormwater management ordinances. We recommend that the enforcement article consolidate the remedies and penalties provisions in the various regulations into a single set of remedies and penalties that may be applied to all UDO violations under North Carolina law. Such remedies and penalties would include stop work orders, revocation of development permits or approvals, denial or withholding of related permits, civil penalties, injunctions, orders of abatement, and criminal penalties.

## 5. Consolidate Civil Penalty Procedures

Citations and civil fines can be a relatively simple and effective way to get violators to take corrective action. Although most of the current development regulations authorize the imposition of civil penalties, they differ in how they provide for them. We

recommend that these provisions be consolidated into a single process for imposing and collecting civil penalties.

### Key Issue 3: Refine Planned Development Regulations

Providing for planned developments is an important and commonly used method of providing developers the incentive and flexibility to design high-quality, livable neighborhoods and activity centers, as well as focused forms of development such as Traditional Neighborhood Developments (TNDs) and Transit-Oriented Developments (TODs). Planned development zoning also provides communities the opportunity to require compensating or mitigating public benefits and neighborhood protections in exchange for the extent of flexibility sought.

#### Refine Planned Development Regulations

- A. Consolidate Planned Development Districts and Procedures
- B. Refine Master Plan Requirements to Better Balance Predictability and Flexibility

During the initiation stage of this project, dissatisfaction with Pittsboro's current planned development regulations was expressed by many developers and the owners and residents of property adjacent to existing or approved planned developments. Both complained that the current review procedures and provisions were not clear enough to provide predictability about how planned developments are approved and developed and how surrounding properties are ensured protection from the potential adverse impacts of planned developments. The UDO needs to strike a better balance between the flexibility and predictability in its planned development regulations.

#### A. Consolidate Planned Development Regulations

The Zoning Ordinance recognizes two types of planned development district: the Planned Development District (PDD) and the Mixed Use Planned Development (MUPD) District. Both provide for flexibility of design and a mix of uses, and are created as part of a rezoning that involves approval of a master plan setting out applicable use, intensity, and development standards. We recommend that these districts be consolidated into a single Planned Development (PD) District that may be created through rezoning and approval of a planned development plan and associated agreement that establish applicable standards and the general layout of the proposed development. Such standards would include district-specific use and intensity standards and modifications of certain types of development standards.

#### What Should be Done with Current PUD Special Uses?

The Zoning Ordinance also authorizes Planned Unit Development (PUD) as a special use allowed in most residential zoning districts. Unlike the planned development zoning districts noted above, this form of planned development is generally limited to residential development and is approved by the Board of Commissioners through the quasi-judicial Special Use Permit process rather than the legislative process. It provides developers flexibility in terms of the types of residential development allowed (single-family detached, two-family, townhouse, and multifamily dwellings), and in varying the minimum lot size, minimum setbacks, and maximum height applicable in the zoning district—but limits maximum density to that allowed by the zoning district. The PUD special use standards also include some basic site design standards, a minimum open space requirement, and added building design and landscaping requirements.

An issue for Town consideration is whether the PUD special use should be:

- (1) Carried forward substantially as is; or
- (2) Eliminated in favor of the recommended Planned Development (PD) District and/or cluster development option for residential development, with its standards integrated into those for the PD District.

The PUD special use has not been used much in Pittsboro. The design flexibility it offers can be a great benefit to the community as well as the developer, but such flexibility is or could be available through the recommended Planned Development (PD) District rezoning process and/or cluster development standards.

The PD District rezoning process offers developers even greater flexibility than the PUD special use process, potentially allowing the full range of uses and development intensities as well as design flexibility. It also offers the Town the opportunity to negotiate particular aspects of the proposed development with the developer. Eliminating the PUD special use and relying instead on the recommended PD District rezoning process represents a simplified approach to accommodating planned development—but it would subject developers to the rezoning process, including the additional unpredictability associated with a legislative review as opposed to a special use permit review.

The cluster development option as currently recommended (see page 40) offers developers some design flexibility (through reduced lot size and setbacks), but little or no flexibility regarding housing types or structure height. It also offers a by-right review process, which is much quicker than the special use permit review process and more predictable (i.e., is based on staff application of objective standards rather than a board's application of general discretionary standards). The cluster development standards could be drafted to allow additional flexibility in terms of housing types and structure height, or such additional flexibility could be available in cluster developments if approved as a special use (i.e., replacing the PUD special use with a cluster development special use).

We also note that the recommended new Multifamily Residential (MR) District (see page 33) would provide an alternative to the PUD special use for by-right townhouse and apartment development in areas zoned MR. We also note that many of the standards currently applicable to PUD special uses can and should be generally applicable to all development through the recommended development standards.

If it is important to the Town to encourage development containing a mix of housing types beyond that allowed by application of the recommended new Multifamily Residential (MR) District, but without the need to go through the Planned Development (PD) rezoning process, then the UDO should either carry forward the current PUD special use (or cluster development special use), or include cluster development standards that allow greater flexibility in housing types and structure height.

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## **B. Refine Master Plan Requirements to Better Balance Predictability and Flexibility**

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Current planned development district regulations call for the rezoning application to include a general MUPD Plan or PDD Master Plan. Plan content requirements, however, differ for the two types of master plan. Subsequent development of an approved planned development usually occurs in phases, with the approval of more detailed subdivision plats and/or site plans. The extent to which those subsequent detailed plats and plans may deviate from the approved master plan, however, is not clear or is perhaps too restrictive.

Developers like a planned development process because it gives them the opportunity to obtain approval of a master plan that is general enough to provide the future flexibility to adapt the design of subsequent subdivisions and site plans to site conditions and current market and economic conditions—yet the predictability needed to allow them to obtain project financing and schedule development activities. Owners and residents of surrounding properties want the predictability of knowing that an approved planned development will end up looking like the master plan approved with the planned development rezoning.



To better balance these flexibility and predictability concerns, we recommend that the master plan requirements for the consolidated planned development district clearly set out the major development and design parameters—i.e., major circulation and infrastructure systems, major open spaces and buffers, allocation of land uses and development intensities among portions of the development site, and phasing of development—and clearly define what deviations from those parameters constitute a minor change that may be incorporated into subsequent subdivision plats and site plans (e.g., small percentage changes to development intensities or land use classification ratios for phases) and what deviations are major changes that must go back through the rezoning and master plan approval process.

## Key Issue 4: Preserve Downtown Character and Establish Gateways

Objectives in the Town's Land Use Plan and Pedestrian Transportation Plan recognize Pittsboro's downtown as the main focal point of the town's past, present, and future. The Town's Downtown Vision Plan, Pittsboro Main Street program, and Business and Development Plan for Downtown Pittsboro provide specific guidance to how future development in the downtown should occur to maintain and enhance its character and its role in the local economy. Those plans call for a downtown that has a distinctive identity, a mix of uses—including more residential and more diverse retail uses, especially uses reinforcing the community agricultural roots—a pedestrian-friendly streetscape and building scale, significant open spaces that link blocks and provide opportunities for public gathering, music, and public art.

The Land Use Plan and Downtown Vision Plan also recognize the importance of attractive gateway development at key arrival points into the town and approaching the downtown area.

The following subsections include recommendations on how the UDO might further those objectives.

### Preserve Downtown Character and Establish Gateways

- A. Establish a Downtown District with Form Standards
- B. Establish a Framework Gateway Overlay District

#### A. Establish a Downtown District with Form Standards

The Downtown Vision Plan specifically recommends that the Town consider applying form-based or hybrid development regulations to the downtown area. Form-based regulations are development regulations that focus less on land uses and their separation and more on the physical forms of development—particularly the relationship between building

## II. Code Diagnosis

### Key Issue 4: Preserve Downtown Character and Establish Gateways

facades and the public realm (e.g., sidewalks, streets, and open spaces), the form and massing of buildings in relation to one another, and the scale and types of streets and blocks. Hybrid regulations mesh conventional use-focused development regulations with graphic urban design standards that typically address parking placement, building placement and bulk, and architectural features.

Because Pittsboro's downtown already has a relatively well-defined physical form, we recommend that the UDO replace the current C-4 District with a new Downtown District that applies form-based standards to new development in the downtown. Such standards might address the placement, height (or stories), bulk, and function of buildings (particularly as they relate to adjacent streets and other public spaces); and the cross-sectional elements of the streetscape (e.g., motor vehicle travel lanes, bike lanes, on-street parking, sidewalks, street furniture, street lights, and street trees). The standards would be tailored to the primary aspects of development that define the desired character of the Pittsboro downtown area. Although building form characteristics are relatively well-defined in the downtown area, architectural design is much more variable. We therefore recommend that form-based standards for the Downtown District not include detailed architectural design standards.

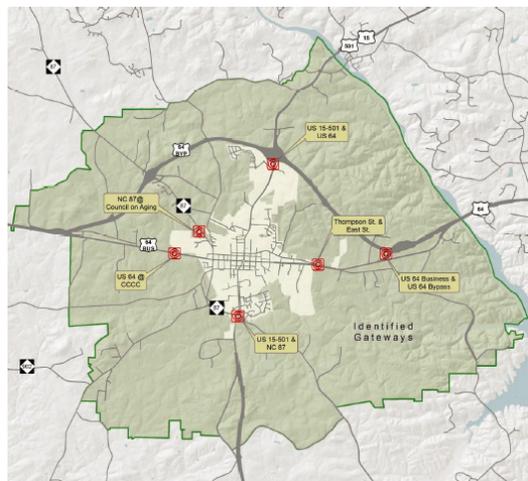


We recommend that such standards be developed through a participatory process with stakeholders in downtown development and incorporated into the second module of the draft UDO.

## B. Establish a Framework Gateway Overlay District

The Land Use Plan emphasizes the importance of gateways into Pittsboro as making a first impression of the town on visitors and giving them a “sense of arrival.” The Plan identifies six gateway areas:

- Around the interchange of U.S. 15-501 and U.S. 64 Bypass (north)
- Around the intersection of U.S. 64 Business and U.S. 64 Bypass (east)
- Around the intersection of East St. and Thompson St. (east)
- Around the intersection of U.S. 15-501 and N.C. 87 (south)
- Along West St. adjacent to the Pittsboro campus of Central Carolina Community College (west)
- Along N.C. 87 adjacent to the Chatham County Council on Aging



For each of these gateway areas, the Land Use Plan calls for the development of a small area plan—a process that allows the unique features of each area to be addressed. It suggests that gateways plans and zoning should focus on intermodal transportation—and for some areas, development of a pedestrian-friendly environment—as well as signage, lighting, landscaping, and viewshed protection.

We recommend that a Gateway Overlay District be added to implement small area plans for the identified gateway areas. The UDO would establish the district and its purpose, and include basic parameters for the establishment of separate subdistricts for each of the gateway areas. As the small area plan for each gateway area is developed and adopted, a subdistrict for that area would be created to apply supplemental standards implementing the vision and objectives of the small area plan. Depending on the character of development called for by the small area plan, such standards might call for greater controls on signage, landscaping, lighting, and access management, and may include form-based standards addressing the placement, height, and massing of buildings and the scale and types of streets and blocks.

**Key Issue 5: Modernize Zoning District and District-Related Standards**

**A. Modify the District Line-Up to Better Accommodate Smart Growth Policies**

Smart Growth is the planning concept that the future growth of an area should be accommodated in a manner that promotes efficient and sustainable land development (including a greater mix of uses and housing choices), incorporates development patterns that optimize prior infrastructure investments, and consumes less land that is otherwise available for agriculture, open space, natural systems, and rural lifestyles. It serves as an alternative to the sprawl pattern of development that has created negative consequences for so many communities:

- o Decline of downtowns and older neighborhoods, congested streets
- o Higher levels of energy consumption
- o Loss of natural resources and deterioration of the natural environment
- o Reduced opportunities for the retention and creation of affordable housing
- o Increased public infrastructure and service costs.

Pittsboro has thus far avoided the worst of these consequences, but should consider revisions to its zoning districts to avoid them in the future.

The table below shows the current and proposed line-ups of zoning districts and indicates where districts are proposed to be added, consolidated, or modified. The table is followed by discussions and recommendations about the more significant proposed changes to the district line-up.

<p><b>Modernize Zoning District and District-Related Standards</b></p> <p><b>A. Modify the District Line-Up to Better Accommodate Smart Growth Policies</b></p> <p><b>B. Reduce the Reliance on Special Use Permits</b></p> <p><b>C. Reorganize Use Standards for Greater Understanding and Flexibility</b></p> <p><b>D. Modify Use Standards to Encourage Desired Uses and Development Forms</b></p> <p><b>E. Add Contextual Dimensional Standards</b></p> <p><b>F. Encourage Cluster Development and Simplify Relevant Standards</b></p>
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<b>Suggested Zoning District Transitions</b>	
<b>Current Zoning District</b>	<b>Proposed Zoning District</b>
<b>Rural Base Districts</b>	
Residential-Agricultural (5 acres) (RA-5)	Agricultural-Forestry (AF)
Residential-Agricultural (2 acres) (RA-2)	Rural-Agricultural-2 (RA-2)
Residential-Agricultural (RA)	Rural-Agricultural -1 (RA-1)
<b>Residential Base Districts</b>	
Low Density Residential (R-15)	R-15 Residential (R-15)
Medium Density Residential and Mobile Home Park (R-12M)	Residential Manufactured Home Park-12 (R-12M)
Medium Density Residential (R-12)	Residential-10 (R-10)
High Density Residential (R-10)	
	Residential-5 (R-5) [NEW]
	Multifamily Residential (MR) [NEW]
<b>Mixed-Use and Nonresidential Base Districts</b>	
Office and Institutional (O-1)	Mixed-Use Office and Institutional (MUOI)
Neighborhood Commercial (C-1)	Neighborhood Activity Center (NAC)
Highway Commercial (C-2)	Community Activity Center (CAC)
Central Business District (C-4)	Downtown (D)
Light Industrial (M-1)	Light Industrial (LI)
Heavy Industrial (M-2)	Heavy Industrial (HI)
<b>Planned Development Districts</b>	
Planned Development (PDD)	Planned Development (PD)
Mixed Use Planned Development (MUPD)	
<b>Overlay Districts</b>	
	Gateway Overlay (GO) [NEW]
Major Transportation Corridor Overlay (MTCO)	Major Transportation Corridor Overlay (MTCO)
Watershed Overlay Critical Area (WSIV-CA)	Watershed Critical Area Overlay (WCO)
Watershed Overlay Protected Area (WSIV-PA)	Watershed Protected Area Overlay (WPO)
	Natural Resource Conservation Overlay (NRCO) [NEW]

### 1. Add a Small-Lot/Higher-Density Residential District

The current Zoning Ordinance includes four residential (R-) base districts. The minimum lot area is 15,000 square feet for the R-15 District, 12,000 square feet for the R-12 and R-12M Districts, and 10,000 square feet for the R-10 District. There are many existing single-family residential lots in town,



however, whose lot area is considerably less than 10,000 square feet—many with lot areas of 5,000 to 7,000 square feet. Most of these nonconforming lots are located in the older parts of town near the downtown area.

Zoning regulations for most communities the size of Pittsboro include a residential district that accommodates such small-lot single-family development—to both recognize existing traditional residential neighborhoods and provide new options for the development of housing that is affordable to the town's current and future populations. Although the Zoning Ordinance's "pocket neighborhood" (cluster) regulations allow the creation of smaller lots (with lot areas as small as 2,000 square feet), they do so only in conjunction with the establishment of open space areas. Thus while a good tool for the development of new single-family residential development, the pocket neighborhood regulations cannot be used to make the town's existing

traditional small-lot residential neighborhoods conforming or to accommodate residential infill development within those neighborhoods.

We recommend that the UDO include a base small-lot single-family residential zoning district and that such district have a minimum lot area standard (and associated lot frontage and setback standards) appropriate to the town's smaller existing single-family lots—perhaps a minimum lot area of 5,000 square feet. This district might also allow townhouse development by right (e.g., without the Special Use Permit required in the R-12 and R-10 Districts), subject to special townhouse lot standards.

## 2. Add a Multifamily Residential District

There are no current base zoning districts in which multifamily residential development is allowed by right (e.g., without a Special Use Permit). Even where multifamily development is allowed with a Special Use Permit (the R-10 and OI Districts), it is limited to a maximum allowable density of one unit per 10,000 square feet of lot area (4.36 units per acre) and a single structure.



Multifamily residential development is important to meeting the demand for affordable housing options in Pittsboro. That demand is created by new families moving into town, by the adult children of current town residents who wish to stay in the area, by the increasing proportion of the older town residents who wish to down-size and retire in the area, and by the growing influx of retirees to the region. Although some of that increasing demand can be met by smaller-lot single-family residential development, a good proportion of it can only be met with multifamily residential development.

We recommend that the UDO include a base multifamily zoning district and that such district have a maximum density standard of at least 10 dwelling units per acre and not be limited to a single structure. A higher density limit may be appropriate, though higher densities might be accommodated in the mixed-use Community Activity Center District recommended below.

## 3. Consolidate the R-12 and R-10 Districts

The current R-12 and R-10 Districts are very similar. They each are intended and designed to accommodate moderate-density single-family development. The character and appearance of single-family homes on 12,000-square-foot lots are difficult to distinguish from single-family homes on 10,000-square-foot lots. The two districts share the same minimum lot frontage, maximum structure height, and minimum side and rear setback standards. Their minimum front setback standards differ by only five feet (30 vs. 25 feet) and their maximum lot coverage standards differ by only five percentage points (60% vs. 65%). The limited nonresidential uses allowed by right in the two districts are the same. Although multifamily residential development is allowed in the R-10 District, it is allowed only with a Special Use Permit, and the recommended new multifamily residential district (see above) may eliminate the need for that distinction.

We recommend that the UDO consolidate the current R-12 and R-10 Districts into a single R-10 (Medium Density Residential) District, subject to the intensity standards of the current R-10 District.

### 3. Convert the C-1 and C-2 Districts into Mixed-Use Activity Center Districts

Mixed-use development includes quality housing, varied by type and price, integrated with shopping, schools, community facilities, and jobs. Although “mixed-use” is a term increasingly used today, it is not a new concept—it is what shaped development in older communities before the advent of the automobile and suburbanization. It has had, and should continue to have, a role in the growth and development of Pittsboro. But the Town’s current development regulations do little to accommodate and promote mixed-use development. They allow mixed-use development only through their planned development districts, which involves a long and unpredictable approval process.



If Pittsboro is to encourage mixed-use development (as its Land Use Plan and Pedestrian Transportation Plan call for), it needs to make mixed-use development easier to achieve. As discussed on page 29, we recommend a new downtown district that accommodates a mix of uses. But mixed-use development should also be appropriate in those other places currently zoned for retail commercial development (i.e., C-1 and C-2 districts).

We therefore recommend that the UDO modify the names, use standards, and dimensional standards for the current C-1 and C-2 Districts to make them mixed-use “activity center” districts that allow residential development in addition to the commercial development they currently allow. We will carefully review current use standards and modify them as necessary to ensure the transformed Neighborhood and Community Activity Center Districts allow a mix of complementary uses appropriate to their scale and character. Similarly, we will review current intensity and dimensional standards to accommodate the appropriate residential density in a way that complements the districts’ primary commercial character.

The Neighborhood Activity Center, for example, would be modified as needed to accommodate small-scale mixed-use development serving the needs of residents in surrounding neighborhoods and to encourage pedestrian-oriented development. The Community Activity Center would accommodate mixed-use development serving community-wide employment, retail, health care, and entertainment needs, allowing higher-density residential development and more auto-oriented uses (though could be more pedestrian-oriented where overlaid by a Gateway Overlay District).

Modifications of the standards for the current C-1 District and (especially) the C-2 District would be based on accommodating existing mixed-use developments such as Chatham Mills and possibly future development of the activity centers approved as part of the Chatham Park development. [Although the Chatham Park development is currently vested in accordance with its planned development district master plan, the recommended new mixed-use base districts could provide its developers (and Town residents) a more efficient and more predictable way of achieving the approved activity center development.]



#### 4. Convert the O-I District into a Mixed-Use Office/Institutional District

To further encourage mixed-use development in Pittsboro, we recommend that the UDO modify the name, use standards, and dimensional standards for the current O-I District to make it a mixed-use district that allows residential and limited commercial development in addition to the office and institutional development it currently allows. We will review standards for the current O-I District and modify them as necessary to ensure the transformed Mixed-Use Office and Institutional (MUOI) District allows residential development and limited commercial development at a scale and of a character that complements the district's primary office and institutional character. For example, the MUOI District would accommodate small-scale retail, dining, and personal service uses (e.g., convenience stores, small shops, restaurants, dry-cleaning/laundry pick-up establishments) that serve the day-to-day needs of the employees of the district's office and institutional uses. It would also accommodate residential development that includes live/work units and continued residential uses in O-I-zoned areas where homes are being converted into professional offices.

#### 5. Make the RA-5 District More of an Agricultural-Forestry District

The Land Use Plan and the Conservation Plan for Chatham County call for encouraging the retention of working agricultural and forestry lands and uses outside the edges of the town. The current Zoning Ordinance describes its RA-5 (Rural Agricultural) District as one containing land for very-low-density residential development in environmentally sensitive or transitional areas while permitting continued agricultural use. Although the RA-5 district's five-acre minimum lot area standards discourages significant encroachment of residential development, there are modifications to the district that could make it more effective in preserving active farm and forestry land and uses.

To preserve agricultural and forestry activities, it is not sufficient to just allow basic agricultural and forestry uses (e.g., plant cultivation, raising livestock, keeping horses, timbering). For farms to be economically viable, they must have easy access to agricultural and forestry support uses (e.g., sales, rental, and repair of farm machinery, feed and farm supply centers, grain storage facilities, veterinary service). They also must have the flexibility to incorporate new or additional types of farming and farm-related or even incidental activities that allow farmers to adapt to changing markets and earn extra revenue and remain in operation. Such uses include equestrian facilities, wineries, farm-emersion-experience venues where visitors can "work" on the farm, pick-your-own establishments, and value-added activities where farm products are further modified into commodities and sold at retail on site, like soap, ice cream, and clothing. They also include agritourism uses such as corn mazes, harvest festivals, hayrides, farm tours, agricultural education, corporate retreats, weddings, etc.

Specifically, we recommend the following changes:

- Change the district's name to the Agricultural-Forestry District to better reflect its primary purpose of preserving agricultural and forestry lands and uses.
- Expand the principal uses allowed in the district to include more uses that support or are otherwise closely related to agricultural and forestry activities, such as farm supply stores, farm equipment



repair, farm product storage and distribution facilities, nutrient management or breeding consulting, sawmills, agricultural or forestry research facilities, stabling facilities and equestrian centers, biomass energy production, and veterinary services.

- Expand the accessory uses allowed in the district to include uses related to the direct marketing of farm products and agritourism uses, such as pick-your-own sales, farm stands, corn mazes, hayrides, and special event venues.

Where agriculture and forestry supportive uses are currently treated as special uses, we recommend that the Town consider allowing them by right, subject to use-specific standards addressing potential adverse impacts on neighbors. Where these types of uses are currently prohibited, we recommend that the Town consider allowing them with a Special Use Permit or perhaps even by right with specific standards.

The main focus of the above recommendations is expanding the range of uses and activities that provide owners of farmland and forest land opportunities to generate the additional income that may mean the difference between continuing the farm or forestry use and permanently giving up the farmland or forest land to a developer of large-lot residential subdivisions.

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## **B. Reduce the Reliance on Special Use Permits**

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The special use permit process is intended to recognize and accommodate allowance of certain land uses whose characteristics make them generally inappropriate in a particular zoning district, but that could be appropriate in the district if subject to special standards and/or a discretionary review procedure that ensures potential adverse impacts are addressed. Under North Carolina law, the review of special use permits is a quasi-judicial procedure.

For small communities with little or no staff, the special use permit process can serve as a simple way to address borderline uses (in terms of appropriateness) and publicly necessary or desired uses that have potential adverse impacts. As communities grow in size and complexity, however, they find the special use permit process one that can impede desirable development. Pittsboro is now such a community.

To reduce the Town's reliance on the special use permit process, we recommend that the UDO restrict the special use permit process to a much smaller list of uses that truly merit special use status—i.e., uses whose inherent intensity, character, or potential impacts cannot be adequately addressed by district or use-specific standards. The exact list of uses that fall into this category would be developed during the drafting process.

Perhaps some current special uses should just be prohibited in those districts in which they currently are designated a special use. More likely, many current special uses could be made subject to prescriptive use-specific standards that adequately address the concerns that resulted in their being designated special uses. For example, bed and breakfast uses might be allowed by right in certain districts if the use-specific standards applicable to them were expanded to better address their compatibility with a residential neighborhood. Or, given a shortage of day care in the area, the Town might deem it in the public interest to allow smaller day care facilities in residential districts without a Special Use Permit, provided they comply with use-specific standards designed to address potential off-site impacts (e.g., require passenger pick-up and delivery areas, limit hours of operation).

Also, many uses currently allowed only with a Special Use Permit are already subject to relatively detailed use-specific standards that adequately address their potential adverse impacts—or could so with minor changes. Examples include game preserves, hunting

clubs, recreation camps, fish hatcheries, veterinary establishments, and kennels in rural districts; accessory dwelling units in single-family residential districts; townhouses, group homes, adult care homes, clubs and lodges in certain residential districts; and bars, self-service car washes, and shopping centers in commercial districts. The Town should reconsider whether such uses should be allowed by right in certain districts if the applicable use-specific standards were expanded to better ensure their appropriateness in the designated districts.

## C. Reorganize Use Standards for Greater Understanding and Flexibility

### 1. Organize Principal Uses with a Hierarchical Use Classification System

The current Zoning Ordinance includes a use table that lists uses allowable in the various zoning districts and categorizes the listed uses as: Agricultural; Mining; Residential; Recreational; Accessory; Education and Institutional; Business, Professional, and Personal Services; Retail Trade; Wholesale Trade; Transportation, Warehousing, and Utilities; Manufacturing and Industrial Uses; and Other Uses. Listing allowable uses in a table and categorizing them helps users determine whether a particular use is allowed and where. But this current two-tiered classification system can be improved.

We recommend that the UDO carry forward the use table, but expand the current classification system into a three-tiered system. Such a system would have general “use categories” similar to those in the current system, but break each into multiple “use categories” within which the individual “use types” would be grouped. For example, the use classification of “residential uses” could include a use category of “group living” that would include specific use types such as “group home” and “assisted living facilities.” Similarly, a broad “commercial uses” classification could include a “retail” use category, which could include specific use types such as “general retail, small” and “general retail, large.” Importantly, each use category used in the table would be clearly described in terms of the general characteristics of use types within it and examples of included use types. And each use type in the table would be defined in terms of its specific characteristics and typical accessory uses

TABLE <>: TABLE OF ALLOWED USES													
		P = PERMITTED		S = SPECIAL EXCEPTION		A = ALLOWED IN PD DISTRICT		BLANK CELL = PROHIBITED					
USE CATEGORY	USE TYPE	ZONING DISTRICT									ADDITIONAL STANDARDS		
		RESIDENTIAL			NONRESIDENTIAL				PLANNED DEVELOPMENT				
		RSF	RTF	RMF	DC	RC	M C	C C	CN	PD-R		PD-C	
<b>RESIDENTIAL USE CLASSIFICATION</b>													
Household Living	Multi-family Dwelling			P		P		P			A	A	164.03-01(A)(1)
	Single-family Dwelling	P	P	P	P	P	P	P			A	A	166.05-02
	Two-family Dwelling		P	P	S	P	P	P			A	A	164.03-01(A)(2)
	Townhouse			P	P	P		P			A	A	166.05-03
Group Living	Residential unit over nonresidential use			P	P	P	P	P			A	A	
	Family Day Care Home	P	P	P		P	P	P			A	A	164.03-01(B)(1)
	Group Day Care Home	P	P	P		P	P	P			A	A	164.03-01(B)(2)
	Rooming House			P		P		P			A	A	164.03-01(B)(3)
<b>INSTITUTIONAL USE CLASSIFICATION</b>													
Schools	School, Private	P	P	P	P		P	P			A	A	
	School, Public	P	P	P	P		P	P			A	A	

**Example principal use table showing a three-tiered approach to use classification**

This extra level of classification allows standards in the ordinance to simply refer to a category of uses and, by definition, include all of the uses within that use category rather than listing them individually. It also makes it easier to determine how future unlisted use types might be treated (see below) and facilitates including references to use-specific standards for the various used types (and in some cases, use categories).

## 2. Modify Use Tables to Rely on Broader Use Types

The current use table lists some broad use types (e.g., general offices, general warehousing), but also list many specific lists, such as multiple types of similar general retail uses (e.g., antique and gift retail stores, arts and crafts supply and retail stores, book and stationary stores, clothing sales, drugstores, food stores, furniture and furnishing stores). The land use impacts of any of these general retail use types are typically no different than those of any other. Thus listing them individually makes for a lengthy use table and more use-specific standards, making the ordinance more difficult to understand and to amend as new use types arise.

We recommend that the UDO list and define broader use types where appropriate. In this example, all the general retail uses listed could simply be identified and defined as a “general retail” use type. If it is important to differentiate general retail uses by size (i.e., to single out big box retail), the UDO could distinguish “small general retail” uses from “large general retail” uses. Of course, any grouping of uses may include variations that merit special treatment—e.g., adult bookstores vs. other general retail use. Such specific use types should be listed and defined individually because they sufficiently differ from similar activities making up the broader use type to justify allowing (or prohibiting) them in different districts, or requiring a Special Use Permit for them, or applying different use-specific standards. In some cases, specific use types should be distinguished because they represent desired uses or forms of development that the community specifically wants to encourage (see Section D below).

## 3. Establish a Procedure for Addressing Unlisted Uses

The recommended three-tiered use classification system and reliance on broader use types would make it easier for Town staff and other UDO users to determine whether a new unlisted use falls under a defined use type (and thus is allowed or prohibited as an example of that use type), or is similar to use types within a described use category (and thus might be interpreted as allowed or prohibited in the same manner as other uses in the use category). But new uses will arise that don’t fall neatly enough within a use type definition or a use category description to be determined or easily interpreted as allowed or prohibited.

To address this eventuality, the UDO should include a procedure and standards whereby Town staff can formally interpret whether a new use is merely a variation of a listed use, is similar enough to listed uses within a use category to be treated as those uses, or must be prohibited as unlisted. This procedure should provide for memorialization of a staff interpretation through a text amendment of the UDO. This allows staff more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed.

## 4. Distinguish Principal, Accessory, and Temporary Uses

Although the current use table groups accessory uses and structures, it does not address temporary uses and structures except to list “temporary buildings incidental to a construction project” under the Other Uses classification. Many uses that might be appropriate as an accessory or temporary use may not be appropriate as a principal use. For example, limited outdoor storage is commonly allowed as an accessory use to a principal commercial use in many commercial districts, but outdoor storage as a principal use (i.e., a storage yard) may be appropriate only in an industrial district, and in a commercial district only if subject to additional standards. Similarly, the temporary use of a church parking lot for a weekend fund-raising car wash raise far fewer

concerns about potential impacts than establishing a car wash on the site as a permanent principal use.

Modern use regulations, therefore, distinguish accessory and temporary uses and structures from principal uses. We recommend that the UDO consolidate listings of allowable accessory uses/structures and temporary uses/structures into a separate Accessory Use/Structure Table and Temporary Use/Structure Table, respectively. Each table should be grouped with use-specific standards referenced in the table.

## D. Modify Use Standards to Encourage Desired Uses and Development Forms

If a community wants to encourage specific use types or development forms, its use standards should expressly recognize those use types and development forms, and not leave it up to Town staff or the Board of Adjustment to interpret whether they are allowed. The use standards should also subject the desired use types or development forms to use-specific standards sufficient to address potential impacts so as to allow them to be permitted by right wherever possible. We recommend that the UDO further encourage the following uses in the ways indicated:

- **Sustainable Agricultural Economy:** Expand uses allowed in the Agricultural-Forestry District to allow uses that support agriculture and forestry and agritourism uses that help the financial viability of farmers and foresters (as discussed on page 30). In accordance with policies in the Land Use Plan and Downtown Vision Plan, we also recommend that the UDO recognize and allow uses related to and encouraging urban agriculture—including community gardens, farmers' markets, and food cooperatives—as well as festivals related to the community's agricultural roots and farm-to-table mentality.
- **Production of Artisan Goods, Fine Art, and Music:** Help implement policies in the Land Use Plan and the Downtown Vision Plan that encourage local artists and artisans by expressly recognizing and allowing uses such as studios and galleries for fine art, pottery, wood crafting, and musicians; live/work units; and temporary art and music festivals.
- **Alternative Energy Production:** Help counter those consequences of climate change partially due to air emissions from the use of fossil fuels by encouraging alternative forms of energy production—e.g., by expressly recognizing and allowing small-scale solar, wind, and geothermal energy systems structures (e.g., rooftop solar panels and "residential" wind turbines, geothermal heating systems) as accessory uses/structures for most buildings.
- **Downtown Pedestrian-Friendliness:** Help implement policies in the Land Use Plan, Pedestrian Transportation Plan, Downtown Vision Plan, and Main Street program that call for a pedestrian-friendly environment for downtown Pittsboro by expressly recognizing and allowing downtown outdoor dining (including on public sidewalks where it can be accommodated without interfering with pedestrian traffic) and farmers' markets, art and music festivals, and other special events that make the downtown an attractive destination place for pedestrians.
- **Water Conservation:** In recognition of the drinking water shortages that have regularly plagued the region, promote the conservation of water as part of development by



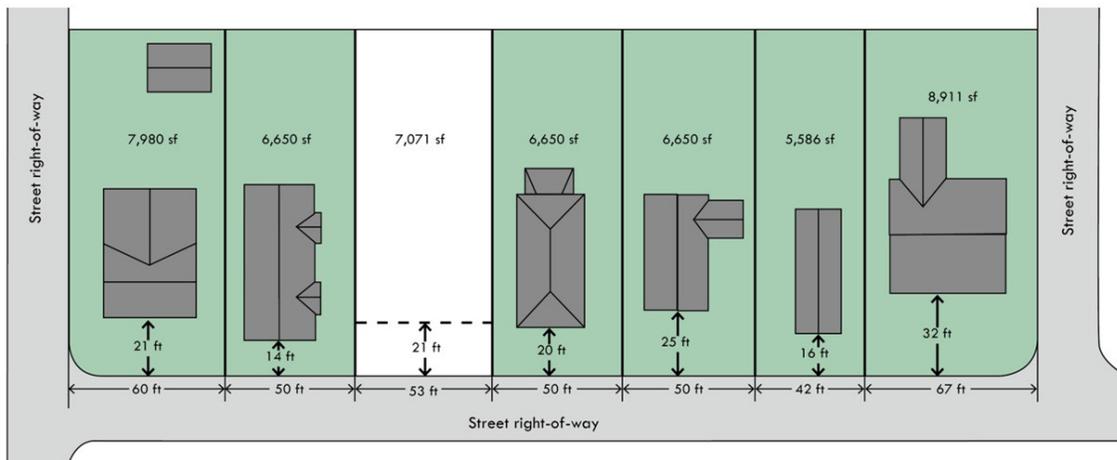
expressly recognizing and allowing cisterns, rain barrels, green roofs, rain gardens, and similar water-conservation measures as accessory uses/structures in all parts of town.

- o **Smart Growth Policies:** Promote Smart Growth policies (see page 31) by expressly recognizing and allowing accessory dwelling units, live/work units, day care in neighborhoods and employment areas, home-based businesses, cluster/conservation subdivisions, and mixed-use development.

## E. Add Contextual Dimensional Standards

Most communities originated and developed before the advent of zoning regulations. Zoning often imposed minimum lot area and frontage requirements that made lots and buildings in older neighborhoods nonconforming. Because of their status as nonconforming, such lots and buildings are more difficult to build on or expand—a condition that can contribute to a neighborhood's decline.

The current Zoning Ordinance allows minimum front setbacks for dwellings to be reduced to the average setback of adjacent existing buildings in the same zoning district. To minimize the number of nonconforming lots and buildings found in such older neighborhoods, we recommend that this provision be expanded and modified to allow standards for minimum lot area, minimum lot frontage, and minimum setbacks to be reduced to match the average of those of lots and buildings on the same block face and in the same zoning district (see diagram below).



## F. Encourage Cluster Development and Simplify Relevant Standards

### 1. Consolidate WSW Cluster Development and Pocket Neighborhood Standards and Incorporate Conservation Subdivision Standards

Cluster development is commonly defined as grouping homes on smaller lots in one area of a development site while preserving the remaining part of the site for open space uses. Pittsboro's current development regulations allow two types of cluster development:

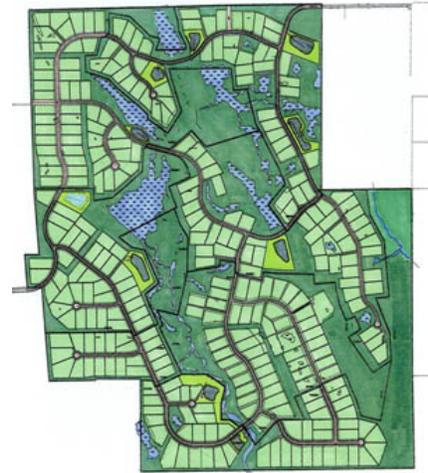
- Regulations applicable to those areas of the Town's jurisdiction with the Jordan Lake water supply watershed (WSW) allow "cluster development" in which the area of single-family lots in the watersheds may be reduced to less than the generally applicable 20,000-square-foot minimum provided the remaining site area remains in a vegetated or natural state.

- The “pocket neighborhood” regulations, applicable only to small single-family developments in the R-12 and R-10 districts, allow reductions of lot area (to 2,000 square feet) and setbacks provided the development includes 500 square feet of common open space for each dwelling unit.

A conservation subdivision is another form of cluster development with an emphasis on the preservation of the site’s natural resources (including prime farmland) and environmentally sensitive areas as open space, with smaller single-family lots grouped on the remaining parts of the development site. Conservation subdivision regulations are commonly used in agricultural districts and rural areas.

All of these types of cluster developments essentially allow single-family development at the same maximum density as otherwise allowed, but relax standards regarding the size of the single-family lots in exchange for the provision of open space. The current WSW cluster development regulations focus on providing developers flexibility in clustering maximum allowable “built-upon area” in exchange for keeping the remainder of the site vegetated and thus subject to low stormwater runoff. Pocket neighborhood regulations focus on providing developers flexibility in allowing smaller lots in exchange for common open space that is accessible to development residents and designed to preserve or provide trees for buffering and shading purposes. As noted above, conservation subdivision regulations focus on preserving natural resource and environmentally sensitive areas as open space.

We recommend that the UDO replace the current cluster development and pocket neighborhood regulations with a single set of cluster development standards that are applicable to single-family developments throughout the Town’s jurisdiction and that allow otherwise minimum lot area, lot frontage, and setbacks to be reduced provided the remaining part of the site not used for streets is set aside as common open space. The regulations would include a single set of standards for minimum lot area, lot frontage, and setbacks (applicable in all districts and not determinant of the development’s overall density—see subsection 3 below). They may also allow variations of setbacks standards to accommodate zero-lot-line homes (where homes are located adjoining one side lot line, leaving larger and more usable side yards on the opposite side of the homes). But they would vary open space requirements by district (see subsection 4 below).



In urban and suburban zoning districts, use of the cluster development standards could be at the option of the developer—though perhaps with incentives encouraging clustering on development sites containing significant environmentally-sensitive areas. In rural zoning districts, cluster development would be the preferred manner of subdivision (see subsection 2 below) or heavily incentivized.

## 2. Make Cluster Development the Preferred Type of Residential Development in the Natural Resources Conservation Overlay, Agricultural/Forestry, and Rural Districts

In the Natural Resources Conservation Overlay District (see page 43), Agricultural/Forestry District, and Rural Districts (RA-2 and RA), it is most important to maximize open

space for the preservation and protection of natural resources (including farmland and forest land), environmentally sensitive areas, and/or open areas contributing to rural character. For that reason, cluster development is the preferred form of residential development in these districts.

To help realize that preference, we recommend that cluster development be required for residential development in the Natural Resources Conservation Overlay District. This ensures that all development proposals delineate significant natural resource areas and are subject to standards designed to maximize preservation and protection of those areas.

We recommend that in the Agricultural-Forestry District and rural districts, cluster development be allowed by right and the less desirable alternative of a conventional subdivision with large lots be allowed only with a Special Use Permit. In that way, the Town can assess whether a conventional subdivision can occur without jeopardizing the preservation of important natural resources, environmentally sensitive areas, and rural open spaces.

In all other districts, both cluster developments and conventional subdivisions could be allowed by right, and developers would have to choose which they want.

### **3. Add Cluster Development Density and Open Space to Dimensional Standards for Application to Cluster Developments**

As noted above, maximum development intensity under the current WSW cluster development regulations and pocket neighborhood regulations—as well as typical conservation subdivision regulations—is not based on a minimum lot area standard, but on an overall density standard derived by applying the otherwise applicable minimum lot area standard to the development site as a whole (including open space areas). We recommend that the UDO just go ahead and specify an overall or gross density standard to apply to cluster developments in the various districts, and that the standard reflect the density allowed by the district's lot size standards. This would not change the applicable limit on the number of lots allowed.

### **4. Apply Context Sensitive Open Space Use Standards**

All cluster development regulations include standards setting out allowable open space uses. Many go on to establish priorities among those open space uses. Cluster development regulations also typically include standards for the location and configuration of the open space(s).

We recommend that standards for open space uses and priorities vary depending on the location of the cluster development. For example, in urban and suburban districts, open space could be used for various purpose, including provision of active or passive recreation areas for subdivision residents. In the Agricultural-Forestry District, preservation and protection of existing prime farmland and forest land would be a top priority for open space use. In other rural districts, a priority open space use would be preservation of open areas contributing to rural character (which would include farmland and forest land as well as just open areas used for passive recreation or active rural recreational pastimes such as horseback riding). Where the Natural Resource Conservation Overlay District applied, the top priority for open space use, location, and configuration would be preservation and protection of environmentally sensitive areas such as floodplains, wetlands, riparian buffers, steep slopes, as well as wildlife habitat (see page 43).

## Key Issue 6: Promote Conservation of Natural Resources

Pittsboro is located in a fast-growing metropolitan region and thus subject to increasing development pressure. Such pressure, however, has not yet significantly impacted the rural character and natural resources of areas surrounding the town. Realizing that the Town needs to better address how to accommodate future development while protecting the natural resources that contribute to the Town's character, quality of life, and economy, the Town recently adopted the Conservation Plan for Chatham County and initiated a project to analyze and prioritize the Town's natural resource conservation needs, educate citizens about those needs and develop tools (including development regulations) to protect natural resources and the ecosystem benefits they provide Pittsboro citizens.

- Promote Conservation of Natural Resources**
- A. Establish a Natural Resources Conservation Overlay District**
  - B. Consolidate and Strengthen Riparian Buffer Standards**
  - C. Add Tree Preservation Standards**
  - D. Promote Low Impact Development Practices**

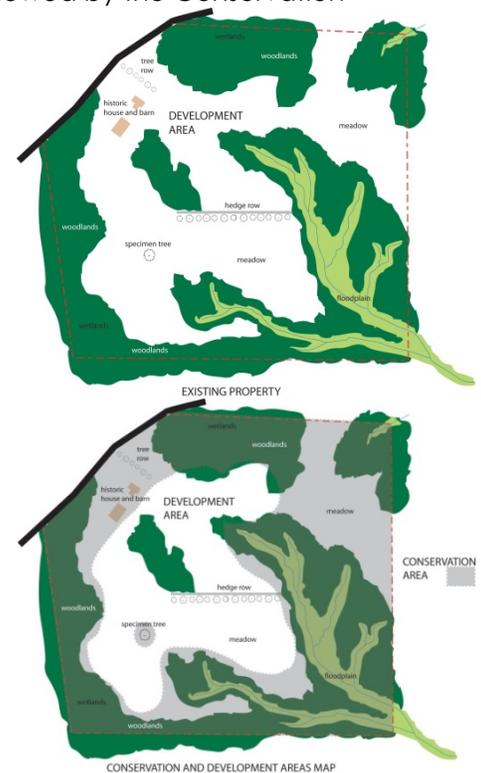
The first phase of the project has produced analyses of land cover changes and tree canopy in the Pittsboro area. A Conservation Ordinance Review Committee has been established by the Town to review model natural resource conservation and tree protection ordinances for adaptation to Pittsboro development regulations. The below recommendations for the UDO derive from the model ordinances and the committee's work thus far. We will work with the committee, Town staff, the Planning Board, and the Board of Commissioners as necessary to ensure that the UDO incorporates the resource conservation regulations the Town wants.

### A. Establish a Natural Resources Conservation Overlay District

The model natural resources conservation ordinance being reviewed by the Conservation Ordinance Review Committee centers on establishment of a Natural Resources Conservation Overlay District that includes significant natural resource areas within the Town's planning jurisdiction. Delineation of such areas would be based on best available conservation data. A Biodiversity/Wildlife Habitat and Forest Resources Map prepared from the Conservation Plan for Chatham County serves as a preliminary indication of areas the overlay district might cover.

The model ordinance calls for applications for most development within the district to include a natural resources conservation plan delineating significant natural resources on the development site and a management plan for preservation of those significant natural resources in accordance with ordinance standards. Those standards would require a most significant natural resource areas to be conserved (based on how much of the development site they cover), limit impervious surfaces to 15 percent of the development site, and address the configuration of conserved significant natural resource areas (to promote connectivity), design of road and utility crossings, and stormwater management.

We recommend that the UDO establish a Natural Resources Conservation Overlay District. Standards for the district would



require residential development to be in the form of a cluster development based on delineation of significant natural resource areas and the setting aside of open space designed to preserve and protect significant natural resource areas. They might also prohibit certain otherwise allowed uses that pose a significant threat to natural resources (e.g., uses involving large volumes of hazardous materials), add a relatively low impervious surface limit, and modify otherwise applicable stormwater management standards. The standards to be included would be based on those recommended by the Conservation Ordinance Review Committee.



## B. Consolidate and Strengthen Riparian Buffer Standards

Pittsboro currently has two different sets of riparian buffer standards: one in the Zoning Ordinance, which applies only to water supply watersheds (which cover most of Pittsboro planning jurisdiction); and one in Riparian Buffer Protection Ordinance, which applies jurisdiction-wide.

In accordance with State law, the Zoning Ordinance's water supply watershed riparian buffer standards require new "high-density development"—i.e., development exceeding two units per acre (single-family development) or 24 percent built-upon area (all other development)—to provide a 100-foot-wide riparian buffer along all perennial waters; all other development is required to provide a 30-foot-wide buffer along perennial waters.

The Riparian Buffer Protection Ordinance requires a two-zone riparian buffer along all surface waters: a 30-foot-wide zone of undisturbed vegetation nearest the water's edge and an outer 20-foot-wide zone of vegetation that can be grass or disturbed for limited uses (total buffer width = 50 feet).

Because these two sets of riparian buffer standards address the same objective (maintaining water quality), we recommend that they be consolidated into one set of riparian buffer standards that complies with the State's water supply watershed regulations,<sup>1</sup> complies with the State's Jordan Lake watershed regulations, and provides the enhanced protection of water quality, wildlife habitat, and environmentally sensitive areas called for by the Land Use Plan and the Conservation Plan for Chatham County. To comply with State law, the consolidated riparian buffer standards would require at least a 100-foot wide buffer along perennial waters for "high-density development" within water supply watersheds and a 50-foot-wide two-zoned buffer along all other perennial or intermittent waters for all other development in the Town's planning jurisdiction.

There is no one best practice regarding the optimal width of riparian buffers. How well a riparian buffer helps reduce water pollution depends on a number of factors: slope; soil structure; type and density of vegetation; subsurface drainage patterns; frequency and force of storm events; and pollutant load. Buffer regulations incorporating such factors to calculate optimal buffer widths are not commonly used because they are difficult to administer. Instead, most buffer standards rely on a fixed buffer width based on a compromise between the buffer width needed to remove most pollutants under most circumstances and the constraints buffers impose on the use and development of adjacent land (which is more significant in more densely developed urban areas). Most

<sup>1</sup> The Riparian Buffer Protection Ordinance provides that its buffer standards supersede those in the Zoning Ordinance for water supply watersheds within the Jordan Lake watershed. Since all water supply watersheds are located within the Jordan Lake watershed, this provision essentially makes the Zoning Ordinance's water supply watershed buffer standards obsolete—which, in turn, raises an issue about the Town's conformance with State water supply watershed regulations.

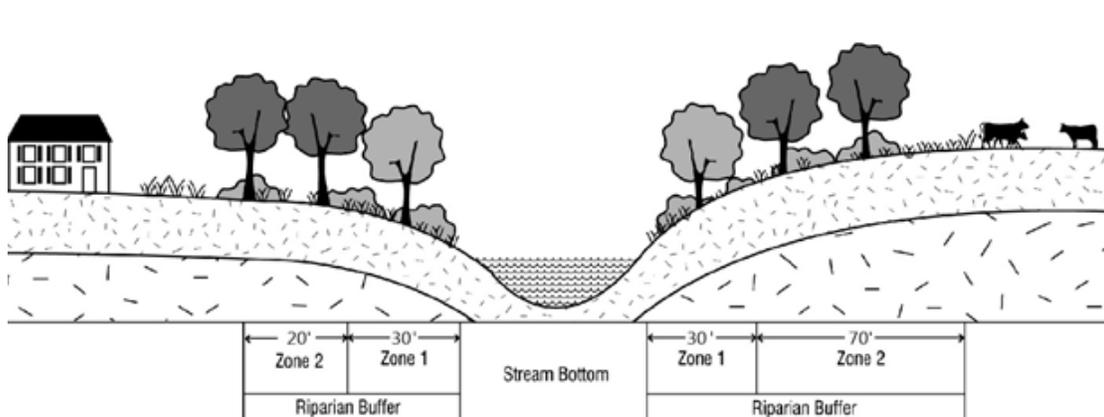
recent buffer modeling studies suggest a fixed minimum buffer width of 100 feet or greater—perhaps to better address water quality in light of the increasing frequency and force of storm events.

Another consideration is how Chatham County treats riparian buffers within its surrounding portion of the Jordan Lake watershed. It would be easier for area developers and landowners if riparian buffer standards in Pittsboro's jurisdiction, or at least the outer edges of its jurisdiction were the same or very similar to those imposed by Chatham County. Like Pittsboro, Chatham County requires a two-zoned buffer, but requires a 100-foot-wide (rather than 50-foot-wide) buffer along perennial streams, with an outer zone width of 70 feet (rather than 20 feet). Chatham County also requires 30-foot-wide buffers along ephemeral streams. The Chatham County buffer standards, therefore, represent an example of enhanced riparian buffer standards that Pittsboro could use to enhance its riparian buffer regulations.

We recommend that the UDO include a single set of riparian buffer standards that requires:

- o A one-zone, 100-foot-wide riparian buffer along perennial waters for “high-density development” within water supply watersheds [carried forward];
- o A two-zone, 100-foot-wide riparian buffer along perennial streams for all development within the Natural Resources Conservation Overlay District, Agricultural-Forestry District, and rural districts (RA-2 and RA) [new];<sup>2</sup>
- o A two-zone, 50-foot-wide riparian buffer along all other perennial and intermittent surface waters and wetlands within the Town's planning jurisdiction [carried forward]; and
- o A one-zone, 30-foot wide riparian buffer along ephemeral streams [new].

The standards would carry forward current Riparian Buffer Protection Ordinance provisions and tables identifying uses and structures allowed in riparian buffers, modifying them only to incorporate their applicability to water supply watersheds.



Recommended Riparian Buffers

<sup>2</sup> The Town's Conservation Ordinance Review Committee (CORC) is currently preparing a Natural Resource Conservation Overlay District based on a model ordinance developed by the North Carolina Wildlife Resources Commission and Duke University's Nicholas Institute for Environmental Policy Solutions. Part of that effort may involve recommendations for riparian buffers. To the extent that the CORC recommends different buffer widths or applications than described here, and the Town agrees with any such recommendations, we will incorporate them into the UDO's riparian buffer standards.

### C. Add Tree Preservation Standards<sup>3</sup>

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The model tree protection ordinance being reviewed by the Conservation Ordinance Review Committee suggests two regulatory options for protecting trees on new development sites:

- o Requiring the retention (or provision) of tree canopy coverage over a minimum percentage of the development site area, with the percentage varying with the development's use classification; and
- o Requiring designation of a minimum percentage of the development site area as tree save areas within which existing trees must be retained.

The ordinance also suggests that such tree canopy requirements might be supplemented by special standards design to protect special types of trees based on their species, size, age, historic significance, or ecological value. The model ordinance refers to these as "regulated trees," but we think it less confusing to refer to them as "special trees" (trees making up required tree canopy might also be deemed regulated trees).

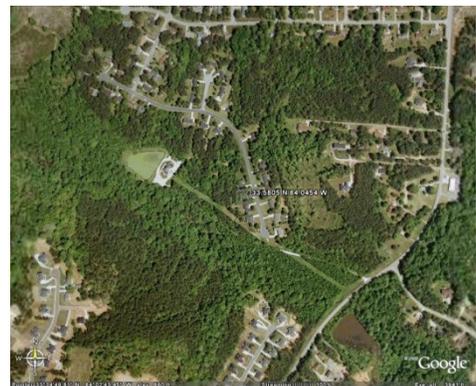
The model ordinance calls for most development applications to include an existing tree survey and a tree protection plan delineating the areas where tree canopy and special trees are to be retained. In addition to the percentage standards noted above, such standards would include:

- o Requirements for planting trees to make up any tree canopy deficit;
- o Provisions allowing the relocation (or replacement) of special trees to be retained if they cannot be reasonably incorporated into the development's design;
- o Standards for the number and size of replacement trees required to make up a tree canopy deficit or replace a removed or damaged special tree;
- o Provisions allowing payments to a Town tree mitigation fund in lieu of planting replacement trees; and
- o Requirements for protective barriers around tree protection areas and restrictions on activities allowed within the protected areas.

The below recommendations for the UDO derive from the model tree ordinance and our own experience with drafting tree protection regulations.

#### 1. Require Retention/Provision of Minimum Tree Canopy

We recommend that the UDO include a set of tree protection regulations that require new residential subdivisions and multifamily, mixed-use, and nonresidential development to retain or provide tree canopy coverage over a specified percentage of the development site area. (Agricultural and forestry uses would be



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<sup>3</sup> The North Carolina General Statutes contain no provision expressly stating that local governments may adopt regulations for the protection of trees. But the great majority of the more than 140 communities in the state that have adopted tree protection regulations did so without authorizing special legislation, deeming the general statutory zoning authority as providing sufficient authority. The legislature itself apparently deems that sufficient authority for local tree protection regulation exists, for when it adopted 2005 legislation amending local development authority to limit restrictions on certain forestry activities (G.S. §160A-458.5 and §153A-452), it included wording specifically recognizing "trees that were protected under [city/county] regulations governing development."

exempt.) The percentage would vary by district and use classification, with an exemption for the downtown district, lower percentages in other urban/suburban districts and for nonresidential uses and higher percentages for rural districts (highest for the Natural Resources Conservation Overlay District) and residential subdivisions. To ascertain the existing trees that may be required to be retained, development applications would be required to include a delineation of the site's existing tree canopy coverage (from a tree survey or aerial photography).

## 2. Require Retention of Special Trees

We recommend that the tree canopy standards be supplemented by requirements for the retention of:

- Healthy trees of certain native species, genera, or families of trees deemed to be particularly important to community character (e.g., magnolia, white oak, bald cypress, walnut) and meeting minimum size and health criteria; and
- Any healthy particularly large tree (e.g., with a diameter at breast height greater than 30 inches).



These trees would be referred to and defined as special trees. Development applications would be required to include a survey identifying the location and relevant attributes (e.g., species, size) of special trees on the site.

We also recommend that the standards allow relocation of special trees if they cannot be incorporated into the design of a development.

## 3. Require Replacement Trees or In-Lieu Payments

We recommend that the tree protection standards include mitigation provisions that:

- Require the planting of replacement trees for special trees that cannot be retained or relocated and to make up for any tree canopy coverage deficit;
- Establish standards for the number and size of replacement trees required to make up a tree canopy deficit or replace removed or damaged special trees, basing standards for special trees on cumulative DBH (diameter at breast height) and requiring a replacement ratio greater than 1.0 (e.g., 1.5 or 2.0) for replaced special trees, and possibly allowing replacement trees to be planted off-site; and
- Allow payments to a Town tree mitigation fund in lieu of planting replacement trees
- Require protective barriers around tree protection areas and restrictions on activities allowed within the protected areas.

## 4. Include Standards for Protecting Required Trees During Development

We recommend that the tree protection standards require effective protective barriers around tree protection areas during development and restrict construction-related activities allowed within the tree protection areas (e.g., no storage of equipment or materials.).

### 5. Encourage Contribution of Retained Trees to Buffer and Landscaping Requirements

To further encourage the retention of existing trees, we recommend that the UDO expressly provide that existing trees (and other vegetation) may count towards meeting buffer, landscaping, and screening requirements.

## D. Promote Low Impact Development Practices

Policies in the Land Use Plan and Conservation Plan for Chatham County call for developments to increase the use of low impact development (LID) practices. LID is an approach to stormwater management that integrates green space, native landscaping, natural hydrologic functions, and various other techniques to minimize or prevent concentrated flows of stormwater leaving a development site. LID practices focus on allowing natural infiltration of stormwater to occur as close as possible to the original area of rainfall. They do so primarily through the strategic use of relatively inexpensive lot-level controls. Such controls include rain gardens and bioretention, rooftop gardens, sidewalk storage, vegetated swales, filter strips at the edge of paved areas, vegetated buffers, disconnected impervious areas, rain barrels and cisterns, and permeable pavers.



LID practices can apply to all elements of a development and complement, and sometimes replace, traditional stormwater management systems that involve curbs pipes, ditches, and ponds to move stormwater. Bioretention can effectively turn parking lot islands, street medians, the spaces between streets and sidewalks, and landscaped areas near buildings into specialized stormwater treatment systems. Parking lots can be designed to reduce impervious surfaces and increase stormwater infiltration. Landscaping can incorporate green roofs or terraces. Required open space can be located and configured to complement natural hydrologic functions.

We recommend that the UDO accommodate these and other LID techniques in its use standards and throughout its development standards.

## Key Issue 7: Improve Development Quality

The quality of development in Pittsboro is important to the town's economic prosperity and the continued enjoyment of a high quality of life by its residents.

Good design deeply affects quality of life. Landscaping and building design determine the attractiveness of the places we live, work, and shop. Open spaces provide places for recreation, healthy exercise, and the enjoyment of nature. Access and circulation patterns design influence how safely and conveniently we travel between those places.

The Town's current development regulations address development quality largely through its parking, landscaping, screening, and signage standards. These standards, however, appear insufficient to achieve the community's expectations for consistent

### Improve Development Quality

- A. Incorporate "Complete Streets" Principles into Access/Circulation Standards
- B. Modernize Parking and Loading Standards
- C. Expand Open Space and Recreation Area Standards
- D. Add Neighborhood Compatibility Standards
- E. Add Incentives for Green Development

development quality. For example, the current development regulations lack comprehensive open space standards or neighborhood compatibility standards. Many communities in the area use such standards to ensure good development quality.

The following recommendations are intended to improve the quality of future development in Pittsboro.

### A. Incorporate “Complete Streets” Principles into Access/Circulation Standards

“Complete Streets” is a transportation policy and design approach that calls for street networks and rights-of-way to be planned, designed, operated, and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities regardless of whether their mode of transportation is by walking, bicycling, driving automobiles, or riding public transportation. A Complete Streets approach also addresses streets as destinations (e.g., for sidewalk dining and social gathering) and not just links, and addresses streets in context to surrounding development and areas. Complete Streets principles might address the following design elements of streets:

- o Pedestrian infrastructure such as sidewalks, traditional and raised crosswalks, median crossing islands, Americans with Disabilities Act of 1990 compliant facilities; and sidewalk bulb-outs.
- o Traffic calming measures to lower speeds of automobiles and define the edges of automobile travel lanes—including a road diet, center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, angled face-out parking, street trees, planter strips, and ground cover
- o Bicycle accommodations, such as protected or dedicated bicycle lanes, neighborhood greenways, wide paved shoulders, and bicycle parking.
- o Public transit accommodations, such as bus pullouts, bus shelters, and dedicated bus lanes.



The Town’s current development regulations contain relatively few access and circulation standards. The Zoning Ordinance includes some limited driveway access standards, but few if any standards addressing the layout and design of accessways other than some general standards for planned developments. The Subdivision Regulations include some general standards addressing subdivision street connectivity, as well as more specific standards for intersection spacing and design, cul-de-sac length, right-of-way width, and

vertical and horizontal alignment. They generally refer to North Carolina Department of Transportation (NCDOT) standards for street design and construction. The Subdivision Regulations do require subdivision streets to include curb and gutter edges, street trees, street lighting, and sidewalks on both sides—and set out standards for sidewalk width and depth. There are no current standards addressing bikeways or the accommodation of transit service.

This limited treatment of development access and circulation issues runs counter to the attention paid them in the Town's Land Use Plan, Pedestrian Transportation Plan, Downtown Vision Plan, and Better Site Design Ordinance Review. Policies in those documents call for integrated intermodal transportation networks (including greenways) and Complete Streets design that provides safe access and circulation for vehicles, bicycles, pedestrians, and transit.

We recommend that the UDO consolidate the current access and circulation standards into one set of standards that would address the full range of transportation needs and improvements (not just subdivision streets and certain driveways) and modify and expand the current standards to reflect Complete Streets principles. The following subsections discuss some of access and circulation elements that current development regulations do not adequately address.

### **1. Address Multimodal (Vehicle, Bicycle, Pedestrian, Transit) Access/Circulation**

We recommend that the UDO's access and circulation standards expressly require new development provide integrated multimodal access and circulation systems addressing anticipated vehicular, transit, bicycle, and pedestrian transportation demands. We also recommend that they include specific requirements and standards addressing not just streets and driveways, but also bikeways, various types of walkways (including sidewalks), and transit facilities (e.g., bus pullouts and bus stops).

### **2. Promote Connected, Integrated Access and Circulation Systems**

We recommend that the UDO expand the current subdivision street connectivity standards to require extensions of streets, bikeways, and walkways from adjoining developments and to adjoining undeveloped land wherever desired to promote neighborhood connectivity. We also recommend adding standards requiring cross-access between the internal access and circulation systems of adjoining commercial developments.

### **3. Modernize Design Standards and Allow for Flexibility**

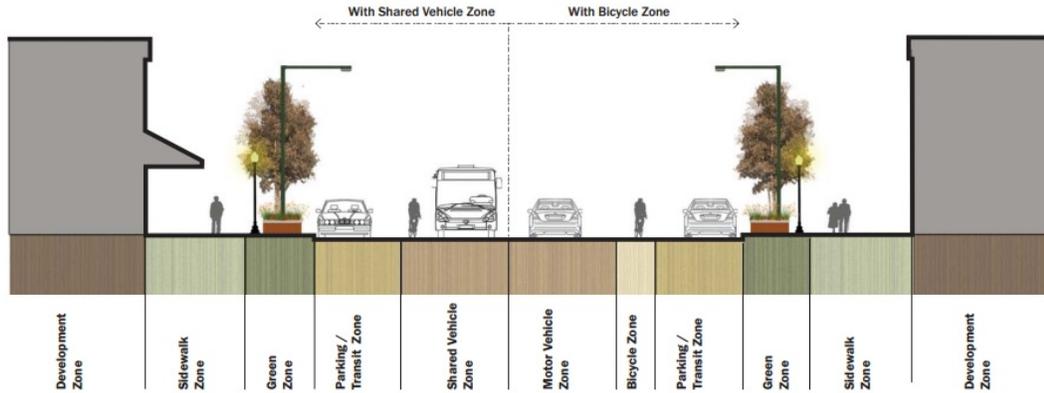
Conventional NCDOT standards address rights-of-way and the design and construction of roadways and associated elements such as curb and gutter, drainage and erosion control devices, and signalization—generally based on traditional functional classifications of streets as vehicular accessways (e.g., arterial, collector, local). In 2012, however, NCDOT adopted the *North Carolina Complete Streets Planning and Design Guidelines*. These guidelines establish a planning and design process and design guidelines based on street design types (main street, avenue, boulevard, parkway, freeway, local street, and rural road) defined by their function in a Complete Streets network and their locational context (urban, suburban, rural). They include dimensional guidelines for various cross-section zones (e.g., motor vehicle, bicycle, sidewalk, and multi-use path zones).

We recommend that the UDO's access and circulation standards include design and construction standards for streets, bikeways, and walkways that reference, relate to, and/or are based on the design guidelines and cross sections in *North Carolina*

*Complete Streets Planning and Design Guidelines*—and on design standards developed by other NC municipalities based on the NCDOT guidelines. The standards would also reference and require consistency with the Comprehensive Transportation Plan being developed jointly with Chatham County, NCDOT, and others.

## RURAL VILLAGE MAIN STREET

### ILLUSTRATIVE STREET CROSS-SECTION



Example street cross-section from *North Carolina Complete Streets Planning and Design Guidelines*

#### 4. Relate Standards to Area Context

As indicated by the guidelines in the *North Carolina Complete Streets Planning and Design Guidelines*, a “complete street” in a rural area will look quite different from a “complete” street in a downtown or suburban Pittsboro. Because of generally lower traffic volumes, fewer access points, and fewer space constraints, accessways in rural districts within Pittsboro’s planning jurisdiction should be subject to design guidelines for rural street design types, which might allow a narrower motor vehicle zone, swales instead of curb and gutter, and multi-use paths instead of sidewalks. Accessways in the downtown area would be subject to guidelines for a Main Street design type, and accessways in the remainder of Town’s planning jurisdiction would be subject to guidelines for one of the urban/suburban street design types or the local/subdivision street design types.

### B. Modernize Parking and Loading Standards

#### 1. Modernize Parking Space Requirements

To its credit, the current Zoning Ordinance uses a table to show the minimum number of parking spaces required for a list of land uses that generally match those in the use table. This makes it easier for users to find the minimum parking space requirement applicable to a particular proposed use. The minimum parking space requirements themselves, however, do not always reflect ratios found in recent parking demand studies and best practices. For many uses, including general retail trade uses and offices, the current minimum parking space requirements result in more parking area than is actually needed most of the time. Over-parking cause unnecessary costs and, more importantly, excessive impervious surfaces that contribute to increased stormwater runoff and associated flooding and pollution and detract from the appearance of development.

We recommend that the current minimum parking space requirements be modified to:

- Better reflect modern best practices (likely to reduce many of the current ratios);
- Base some ratios on more easily measured or less variable factors, which are easier to apply and enforce (e.g., floor area or seating capacity instead of employees or vehicles used); and
- Add a maximum parking space requirement (e.g., 125 percent of the minimum) to apply to some uses (e.g., retail, office).

<b>TABLE 16-5-107.D.1: MINIMUM NUMBER OF PARKING SPACES</b>		
<b>USE CATEGORY/USE TYPE</b>	<b>MINIMUM NUMBER OF PARKING SPACES <sup>1,2,3,4</sup></b>	
	<b>CR DISTRICT</b>	<b>ALL OTHER DISTRICTS</b>
<b>RESIDENTIAL USES</b>		
Group Living	n/a	1 per 3 rooms
Mixed-Use <sup>1,2</sup>	Residential	1.125 per du
	Nonresidential	1 per 650 GFA
Multifamily	1 bedroom	1 per du
	2 bedrooms	1.25 per du
	3 or more bedrooms	1.5 per du
Recreation Vehicle (RV) Parks	n/a	1 per 300 GFA of office and clubhouse
Single-Family	n/a	2 per du + 1 per 1,250 GFA over 4,000 GFA
<b>PUBLIC, CIVIC, INSTITUTIONAL, AND EDUCATIONAL USES</b>		
Aviation and Surface Transportation Uses	n/a	See Sec. 16-5-107.D.2 <sup>1,2</sup>
Aviation Services Uses	n/a	1 per 225 GFA of office area + 1 per 500 GFA of maintenance facilities
Cemeteries	n/a	1 per 400 GFA
Community Service Uses	n/a	10 per classroom
Colleges and High Schools	7.5 per classroom	10 per classroom

Example table showing minimum parking space requirements

We recommend that Town staff be authorized to allow a reduced number of parking spaces than prescribed where applications include demand studies or commitments to transportation demand management (TDM) practices (e.g., carpooling, teleworking, off-peak work schedules) that justify the reduction .

We also recommend that the current exemption of the downtown district from minimum parking space requirements be carried forward. This reflects the Town’s priority in preserving the economic vitality, building form, and pedestrian environment of the downtown.

## 2. Allow Alternative Parking Arrangements

Although current parking standards allow parking requirements to be met with off-site parking, they do not allow any of the other alternative parking arrangements commonly allowed to meet parking requirements. Such alternative arrangements include:

- Shared parking with adjacent uses with different periods of peak parking demand;
- Deferral of full compliance based on a parking study confirmed by a post-development parking study;
- Valet and tandem parking; and
- Credit for adjacent on-street parking.

We recommend that the UDO's parking standards authorize these alternative arrangements and include standards for them. We also recommend that, for any areas where the Town itself is willing to undertake the provision of public parking, the parking standards authorize applicants to make a payment in lieu of providing some or all required parking.

### 3. Add Bicycle Parking Requirements for Targeted Areas or Uses

We recommend that the UDO require facilities for the parking of bicycles to apply to those areas and uses that serve as significant destination points for bicycle travel (e.g., downtown, mixed-use districts, schools, parks, entertainment venues). Such a requirement would be accompanied by basic standards for such facilities.



### 5. Add Compact Vehicle Parking Space Standards

The current dimensional standards for individual parking spaces assume all motor vehicles need full-size (8 foot by 19 feet) spaces. We recommend that the UDO add standards allowing a portion of required parking to be sized for compact vehicles, which make up a significant percentage of automobiles on the road. To the extent smaller parking spaces can be provided, the amount of impervious surface needed to meet parking demand can be reduced.

### 6. Limit Parking in Front of Buildings in Targeted Areas

To both minimize development of unsightly and environmentally detrimental expanses of paved parking lots and have buildings better relate to fronting streets and sidewalks, we recommend that the UDO's parking standards require all or a portion of required surface parking in targeted areas (e.g., downtown, mixed-use districts, commercial corridors, or in commercial activity centers) to be located to the side or rear of buildings.



### 7. Discourage or Break Up Large Parking Lots

Again, to minimize development of unsightly and environmentally detrimental expanses of paved parking lots, we recommend that the UDO's parking standards require large parking lots to be broken up into sections divided by walkways and landscaping.

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## C. Expand Open Space and Recreation Area Standards

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The current Subdivision Regulations require all residential subdivisions to dedicate to the public and convey to the Town a portion of the subdivision site (1/33 acre—or 1,320 square feet—per lot) and to develop it with facilities serving community active recreation needs. The requirement is accompanied by standards for the size, configuration, location, topography, and recreational functionality of the required recreation area. It also allows subdividers to make a payment in lieu of dedication (or the Town to require them in certain circumstances).

The current Zoning Ordinance requires private common recreational area in manufactured home parks (400 square feet per space), in planned unit developments

and multifamily residential developments (56 square feet per dwelling unit), and in Mixed Use Planned Development Districts (5% of district area).

The following recommendations would incorporate these current recreation area standards into a more comprehensive set of open space standards.

### 1. Require Common Open Space of All Major Developments

Many communities across North Carolina and the nation treat open space as more than recreation space for residential development. Instead, they treat open space as an essential element of any major development—whether residential or nonresidential.

We recommend that the UDO incorporate this approach by requiring all new major development to set aside a minimum percentage of the development site as common open space. Such common open space would ensure a minimum level of “green” area that, depending on the context, could be used for manage floodplains, preserve riparian buffers, protect environmentally sensitive lands or wildlife habitat, manage stormwater runoff, add to a greenway system, provide active or passive recreational opportunities, add visual interest, provide shading, or create courtyards, plazas, or other gathering places and urban amenities.



### 2. Tailor Open Space Standards to Use Classifications and Districts

We recommend that the minimum set-aside percentage vary by use classification—with the most for residential and mixed-use developments, less for commercial development, and the least for industrial developments—and possibly by zoning district (e.g., exempted or substantially reduced in the downtown district, reduced in other more urban districts. Any open space required in the downtown district should be allowed to be met where development provides amenities such as plazas, other gathering areas, street trees, or sidewalk furniture.

### 3. Incorporate Recreation Area Requirements

We recommend that current recreation area requirements for residential developments be incorporated into the open space standards, with required recreation area allowed to count toward the open space requirement and subject to consolidated standards for open space use, design, ownership, and maintenance (see below).



### 4. Include Context Sensitive Priorities and Standards for Open Space Areas

We recommend that the open space standards govern the location, configuration, and use of the open space in accordance with a set of priority functions that vary by context. For example, in rural districts, highest priority would be given to using required open space to preserve or protect floodplains, wetlands, riparian buffers, and environmentally sensitive areas that exist on a development site. In suburban districts, protection of such areas would remain a priority but might be balanced with a priority to contribute to the Town's greenway system or otherwise serve the active and passive recreation needs of development occupants. Any open space required in the

most urban district should focus on providing plazas, gathering areas, and pedestrian amenities.

Irrespective of their location and function, required open spaces should be usable, functional, and serve as an amenity rather than merely be “leftover” land. Beyond that, standards should ensure the open space is usable to future occupants of the development, perhaps as recreation area or greenway trails in residential developments, or as courtyards, plazas, or other gathering places in nonresidential or mixed use developments.



### **5. Add Standards for Ownership and Maintenance Responsibilities for Open Space**

Under current regulations, recreation area required of residential subdivisions is to be conveyed to the Town and recreation area required of other residential developments is to be owned and maintained by an association or nonprofit organization. We recommend that the open space standards carry forward those standards and supplement them with standards regarding the ownership and maintenance of other common open space (including other recreation area). Such standards would ensure that required common open space not conveyed to the Town under the recreation area requirement or voluntarily donated to the Town by the developer is owned and maintained by an entity that is capable of, and willing to accept responsibility for, managing and maintaining the land for its intended purposes.

### **6. Allow Options to On-Site Provision of Required Open Space and Recreation Area**

We recommend that the open space standards extend the current in-lieu payment option for subdivision recreation areas to apply to other forms of required common open space. Provisions authorizing such an option should be expanded to add criteria for deciding whether to approve a payment in lieu of providing required open space or recreation area. They should also specify how disputes over the payment amount are to be resolved, when the payment is to be made, and how the Town may use payments.<sup>4</sup>

Another option the Town may wish to consider is off-site provision of required open space or recreation area. If such an option is desirable, we recommend that the open space standards include provisions expressly authorizing the option subject to approval by the Board of Commissioners and set out decision criteria intended to ensure such off-site area would serve open space or recreation area purposes to an equivalent degree as on-site provision or an in-lieu payment.

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## **D. Add Neighborhood Compatibility Standards**

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Neighborhood compatibility standards are provisions intended to help ensure new multifamily, mixed-use, and nonresidential development is compatible with any existing single-family development next to the new development. They do so by modifying

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<sup>4</sup> North Carolina General Statutes expressly authorize municipal subdivision regulations to require residential subdivisions to reserve or dedicate recreation area or make in-lieu payments that the municipality must use to acquire or develop recreation, park, or open space sites (G.S. §160A-372). Although the General Statutes contain no such express authority regarding non-subdivision development, zoning enabling authority expressly authorizes regulation of the size of open spaces (G.S. §160A-381(a)), and would probably be construed to allow payments in lieu of required open space, at least to the extent the statutes allow them for recreation area.

otherwise applicable standards—or adding new standards—that address building mass, structure height, building placement and setbacks, parking and driveway location and layout, and service area location and screening.

We recommend that the UDO include neighborhood compatibility standards. Such standards would require new multifamily, mixed-use, or nonresidential development proposed next to single-family development or zoning to:

- Modify building massing, structure height, and setbacks next to the single-family development/zoning to match or transition to those applicable to the single-family development/zoning;
- Locate and orient service areas (loading, garbage storage), large parking lots, and outdoor activity areas away from the single-family development/zoning, and require additional screening of them;
- Reduce outdoor lighting levels in areas next to the single-family development/zoning; and
- Impose time limits on outdoor noise-generating activities (trash collection, amplified music, outdoor dining).

Large new multifamily, mixed-use, and nonresidential development with multiple uses would be required to be designed to step down use intensities towards the adjacent single-family development/zoning and to locate open space next to the single-family development/zoning.



## E. Add Commercial Design Standards

The Town's current development regulations do not include the minimum design standards for commercial development many communities use to upgrade development quality. Consequently, quality commercial development in Pittsboro occurs only through the willingness of property owners or negotiation. Commercial development permitted by right often lacks many of the basic design features that help make the community walkable, attractive, and prosperous, Town staff and other identified this lack as an issue to be addressed in the UDO, especially in regards to "big box" retail development.

To address this concern, we recommend that the UDO include a set of basic commercial design standards that apply to all commercial development outside the Downtown District (which would be subject to its own special form-based design standards – see page 29). Such standards could reflect the following strategies:

- Building orientation - orient primary buildings entrances toward streets, interior drives, or open spaces (not parking lots).
- Multiple-building development – configure buildings to frame and define development entry points, pedestrian corridors, or plazas and other outdoor gathering spaces.



Example illustration of building facade articulation

- Building facade articulation – break up long facades facing streets with windows, doors, pronounced recesses and projections, changes in roof form or parapet height, and/or distinct changes in color, texture, or materials.
- Building entrances – clearly distinguish primary entrances with arcades, awnings, canopies, porches, or recessed or projecting building mass.
- Parking location – limit the amount of surface parking located between the front of the principal building(s) and the street it faces (as opposed to the side or rear of the building(s)).
- Outbuildings – design outbuildings in front of the primary building(s) to include building form details, materials, and colors compatible with the primary building(s).

To address the added concerns posed by “big box” retail development, we recommend that the commercial design standards include supplement standards for such development. Such standards could reflect the following strategies in addition to those noted above:

- Building footprint – limit the footprint of single buildings.
- Parking – break up large surface parking areas into modules defined by streets, drives, and landscaped islands with pedestrian walkways.
- Pedestrian circulation – provide clearly distinguished walkways through parking areas to/from the primary customer entrances to buildings.

## F. Add Incentives for Green Development

Increasingly, communities across the nation are realizing that good development should contribute to the community’s sustainability—i.e., its ability to meet the needs of its present population while ensuring that future generations have the same or better opportunities. Strategies communities can take to increase their sustainability include the following:

- Encourage development patterns that reduce dependence on automobiles, which release greenhouse gases that pollute the air and contribute to climate change;
- Promote energy conservation and the use and production of renewable energy;
- Preserve and plant trees and other vegetation that clean the air, provide shading, and reduce heat island effects;
- Promote the conservation and protect the quality of water, a threatened natural resource that is vital to so many aspects of our lives;
- Encourage urban agriculture, which can ensure access to local food products;
- Promote active and healthy lifestyles by promoting pedestrian- and bike-friendly development patterns and facilities;



- o Promote recycling and reduce solid wastes; and
- o Encourage most hazard-resilient development.

The Land Use Plan includes a sustainability goal and a number of policies that address these strategies. So do a number of the changes to current development regulations recommended in this assessment. For example, establishing mixed-use and pedestrian-oriented districts will allow people to walk and take transit between where they live, work, shop, and recreate, and thereby reduce auto use and promote healthier lifestyles. Requirements to retain tree canopy help maximize the air cleaning provided by trees. Riparian buffer requirements help protect water quality, as do low impact stormwater management standards.

As the UDO is developed, proposed standards will be closely reviewed to ensure that they incorporate and promote—or at least pose no barrier to—sustainable development practices. For example, stormwater management standards could further encourage low impact development (LID) measures such as bio-retention and lighting standards might promote the use of energy-efficient LED lighting.

We also recommend that the Town consider adding a point- and menu-based green development standard that rewards developments with green development certifications (e.g., LEED) or practices with bonus intensity/height, reduced parking, or other incentives. Such a standard would establish the minimum number of points a new development incorporating the green development certifications and practices would have to achieve to qualify for specified incentives, and list green development certifications and practices, with each assigned points reflecting their relative contribution to green development.

Such a list could include green development certification programs such as LEED, Green Globe, NGBS, Energy Star, or Envision, and individual green development practices such as renewable energy production, solar orientation, energy conservation and efficiency, green roof, cool roof, shade structures, recycling, waste reduction, controlled irrigation, water-efficient plumbing, water-conserving plant material, rainwater capture, wastewater reuse, community garden, brownfield development, and electric vehicle recharging stations. Below is an excerpt from a table in another community's code that show green development practices eligible for incentives.

Table 5.17.4: Menu of Green Development Practices	
Sustainable Development Practice	Points Earned
<b>All-Inclusive Certifications (Points may be granted for these or for individual green development practices in the categories that follow, but not for both)</b>	
<b>LEED Certification</b>	
The development is designed to qualify for a LEED-ND certification level	
Certified	40
Silver	50
Gold	60
Platinum	80
All buildings are designed to qualify for a LEED-NC or LEED-EB certification level	
Certified	40
Silver	50
Gold	60
Platinum	80
<b>Green Globes Certification</b>	
The development is designed to earn a Green Globe certification	
One Globe	40
Two Globes	50
Three Globes	60
Four Globes	70
<b>ICC-700 National Green Building Standard (NGBS) Certification</b>	
At least 90 percent of dwelling units are designed to qualify for a Single-Family or Multifamily NGBS certification level	
Bronze	40
Silver	50
Gold	60
Emerald	70
The development is designed to qualify for a Mixed-Use Community NGBS certification level	
One-Star	40
Two-Star	50
Three-Star	60
Four-Star	70
<b>ENERGY STAR</b>	
At least 90 percent of new dwelling units are designed to earn the ENERGY STAR through the New Homes Program or Multifamily High Rise Program	
	40
<b>Envision Certification</b>	
The development's infrastructure is designed to qualify for an Envision award	
Bronze	15
Silver	25
Gold	35
Platinum	45
<b>Renewable Energy &amp; Conservation</b>	<b>Intent: Promote the use of site planning and building design techniques that incorporate on-site renewable energy production and reduce energy use for heating and cooling</b>
<b>Renewable Energy Production</b>	
A significant portion of the annual electrical and thermal energy demand of new building space is met with on-site alternative energy production sources (solar panels, wind, geothermal, biomass, etc.)	
At least 5 percent	1

Example of a table of green development practices qualifying for incentives



## III. ANNOTATED OUTLINE

This part provides an overview of the proposed structure and general content of the UDO if the issues discussed in the Diagnosis are addressed as recommended. The outline, as revised in response to the Town's review of this report, is intended to provide a roadmap for organizing and drafting the UDO. It also would serve as a framework for further discussions with the Town about key development regulation issues. As such, it is not set in stone, but instead represents a starting point for subsequent discussions about the scope, organization, and content of the UDO.

### Article 1: General Provisions

This article would contain important general provisions that are relevant to the UDO as a whole. While most of these provisions are traditional, all will be specifically tailored to Pittsboro. Most of these provisions would incorporate and build on similar provisions in the Town's current development regulations.

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#### 1.1 Title, Authority, and Purpose

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This section establishes the official title and other terms by which the UDO is known, references the sources of North Carolina statutory authority for the development regulations in the code, and states the general purpose and intent of the UDO.

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#### 1.2 Applicability

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This section makes clear what lands and who is subject to UDO regulations. It includes a comprehensive definition of "development" to which the UDO applies.

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#### 1.3 Relationship to Town Plans

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This section identifies the Land Use Plan, Pedestrian Transportation Plan, Downtown Vision Plan, and other Town-adopted plans that serve as a policy guide for the UDO and its implementation. It also requires consistency with the adopted plans, to emphasize their role as guidance to the interpretation of UDO provisions and any future UDO amendments (including rezonings).

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#### 1.4 Relationship to Other Laws

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This section clarifies that the stricter provision applies if UDO provisions conflict with other regulations.

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#### 1.5 Official Zoning Map

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This section formally incorporates the Official Zoning Map as part of the UDO and identifies how it is maintained.

---

#### 1.6 Transitional Provisions

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This section shows how previous zoning districts translate into new zoning districts and establishes rules governing the effect of the UDO on violations of the previous ordinances, development approved under previous ordinances, and development applications still pending a decision on the UDO's effective date.

We recommend that these transitional provisions establish that violations of current development regulations remain violations under the UDO and that previously approved developments may be completed in accordance with the conditions of their approval. In

addition, either the UDO itself or the adopting ordinance should specify that applications in the pipeline at the time of UDO adoption may be reviewed and decided in accordance with either the previous ordinances or the UDO, per the applicant's choice.

---

### **1.7 Severability**

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This section provides for the continued validity of the remaining UDO provisions if any part is ruled invalid.

## **Article 2: Zoning Districts and District Regulations**

Zoning districts and district regulations form a central feature of any land development code. For each base district, this article sets out (in a tabular and graphic format, the purpose and principal intensity and dimensional standards that define the district, and references to the use standards and development standards. For planned development and overlay districts, the article sets out development and design standards essential to the character or function of the district.

In accordance with discussion on pages 31 - 35, we recommend consolidating some current districts, reorganizing the districts, and adding some districts.

[Insert table of suggested zoning district transitions]

---

### **2.1 General Provisions**

---

This section formally establishes zoning districts (as listed in a table). It also describes the three types of districts (base, conditional, planned development, overlay) and their relationships.

---

### **2.2 Agricultural and Rural Base Districts**

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#### **A. Agricultural-Forestry (AF)**

This carries forward the current Residential-Agricultural (RA-5) District, modifying its name and purpose statement to reflect an increased emphasis on accommodating agricultural and forestry uses (see discussion on page 35). Use standards in Article 3 would

#### **B. Rural-Agricultural-2 (RA-2)**

This carries forward the current Residential-Agricultural (RA-2) District, modifying its name.

#### **C. Rural-Agricultural-1 (RA-1)**

This carries forward the current Residential-Agricultural (RA) District, modifying its name.

---

### **2.3 Residential Base Districts**

---

#### **A. Residential-15 (R-15)**

This carries forward the current Low Density Residential (R-15) District, modifying its name.

**B. Residential-10 (R-10)**

As discussed on page 33, this consolidates the current Medium Density Residential (R-12) District into the carried-forward High Density Residential (R-10) Districts, modifying the name (which is misleading).

**C. Residential-5 (R-5)**

As discussed on page 32, this is a new district intended to recognize and accommodate infill on the small single-family lots prevalent in some of the town's older areas.

**D. Multifamily Residential (MR)**

As discussed on page 33, this is a new district intended to accommodate higher density multifamily residential development that is not accommodated now except through planned development districts.

---

**2.4 Mixed-Use and Nonresidential Base Districts**

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**A. Mixed-Use Office & Institutional (MUOI)**

This carries forward the current Office and Institutional (O-I) District, modified to allow residential uses and limited commercial uses that serve the needs of district employees.

**B. Neighborhood Activity Center (NAC)**

As discussed on page 34, this carries forward the current Neighborhood Commercial (C-1) District, modifying it to become a mixed-use neighborhood-serving activity center district.

**C. Community Activity Center (CAC)**

As discussed on page 34, this carries forward the current Highway Commercial (C-2) District, modifying it to become a mixed-use community-serving activity center district.

**D. Downtown (D)**

This replaces the current Central Business (C-4) District. As discussed on page 29, regulations for this district will be modified to incorporate form-based standards.

**E. Light Industrial (LI)**

This carries forward the current Light Industrial (M-1) District, modifying the abbreviation.

**F. Heavy Industrial (HI)**

This carries forward the current Heavy Industrial (M-2) District, modifying the abbreviation.

---

**2.5 Planned Development (PD) District**

---

As discussed on page 27, this consolidates the current Planned Development District (PDD) and Mixed Use Planned Development (MUPD) District into a single planned development district that provides developers the flexibility to propose innovative and higher quality mixed-use development. PD Districts would be established through the rezoning process, through approval of a PD master plan and agreement that defines the main parameters of proposed district development and includes use and intensity standards and

modifications of certain types of development standards (but probably not environmental standards)

---

## **2.6 Overlay Districts**

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### **A. General Provisions**

This states the character and general purpose of overlay districts as supplementing standards generally applicable in the underlying district.

### **B. Gateway Overlay (GO)**

As discussed on page 30, this is a new district serving as a framework overlay district for establishing subdistricts for various identified gateway areas. Each subdistrict would apply supplemental standards designed to implement the vision and objectives of a small area plan adopted for the gateway area. If the Town is ready to do so, the UDO might include one or more of the gateway subdistricts.

### **C. Major Transportation Corridor Overlay (MTCO)**

This carries forward the current Major Transportation Corridor (MTC) District, modifying its name and abbreviation and reorganizing and modifying its standards to be more user-friendly (e.g., using tables and graphics).

### **D. Natural Resource Conservation Overlay (NRCO)**

As discussed on page 43, this is a new district intended to provide special protection to significant natural resource areas within the Town's planning jurisdiction. Standards for the district would require cluster development that sets aside substantial amounts of open space designed to preserve and protect significant natural resource areas, place strict limits of impervious surfaces, strengthen stormwater management requirements, and restrict uses and activities posing a significant threat to natural resources.

### **E. Watershed Critical Area Overlay (WCAO)**

This carries forward the current Watershed Critical Area (WSIV-CA) District, modifying its name and abbreviation.

### **F. Watershed Protection Area Overlay (WPAO)**

This carries forward the current Watershed Overlay Protection Area (WSIV-PA) District, modifying its name and abbreviation.

## **Article 3: Use Standards**

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### **3.1 General Provisions**

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This outlines the organization of the article's sections and the relationships among them,

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### **3.2 Principal Uses**

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#### **A. General**

This states the purpose of the section, explains its organization, and summarizes the use classification system by which principal uses are listed in the principal use table. (See discussion of the system on page 37.)

## **B. Principal Use Table**

This explains and sets out a table that lists all principal use types (by use classification and use category) and indicates whether the use is allowed by right, allowed with a Special Use Permit, or prohibited in each district. The table also references any use-specific standards applicable to the use.

In accordance with discussion and recommendations on page 38, the use types listed will reflect the consolidation of use types with similar characteristics and impacts, and will add new uses as necessary to reflect modern trends.

## **C. Standards for Specific Principal Uses**

This sets out the special standards and requirements that apply to many of the individual principal use types listed in the use table. It carries forward and expands the use-specific standards for special uses currently in Article 5 of the current Zoning Ordinance. Additional use-specific standards will be added as needed to better achieve Land Use Plan policies or address identified problems or issues under the current development regulations.

One set of use-specific standards will pertain to telecommunication towers and other telecommunication facilities—a use current development regulations do not address. The telecommunication facility standards will encourage collocation over new towers, reflect best practices for the regulation of telecommunication facilities, and be consistent with federal laws that limit how such facilities may be regulated.

This subsection will also include standards specific to certain development forms (as variations of uses), such as live/work units, continuing care retirement communities, residential cluster developments, and shopping centers.

---

## **3.3 Accessory Uses and Structures**

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In accordance with discussion and recommendations on page 38, this section separates out standards for accessory uses and structures.

### **A. General**

This states the purpose of the section and explains its organization.

### **B. General Accessory Use/Structure Standards**

This includes general standards that largely pertain to the allowable locations for accessory uses and structures.

### **C. Accessory Use/Structure Table**

This explains and sets out a table that lists common accessory uses and structures and indicates whether the use or structure is allowed by right, allowed with a Special Use Permit, or prohibited in each district. The table also references any use-specific standards applicable to the accessory use. It adds new accessory uses related to green development (e.g., solar energy systems) or necessary to address development regulation issues.

### **D. Standards for Specific Accessory Uses and Structures**

This sets out the special standards and requirements that apply to many of the individual accessory use types listed in the use table.

### **3.4 Temporary Uses and Structures**

---

In accordance with discussion and recommendations on page 38, this section separates out standards for accessory uses and structures.

#### **A. General**

This states the purpose of the section and explains its organization.

#### **B. Temporary Use/Structure Table**

This explains and sets out a table that lists temporary uses and structures and indicates whether the use or structure is allowed by right, allowed with a Special Use Permit, or prohibited in each district. The table also references any use-specific standards applicable to the temporary use. It adds new accessory uses as necessary to address development regulation issues.

#### **C. Standards for Specific Temporary Uses and Structures**

This sets out the special standards and requirements that apply to many of the individual temporary use types listed in the use table.

## **Article 4: Environmental and Open Space Standards**

This article groups together those development standards most closely related to preservation and protection of the environment and ecosystems.

### **4.1 General Provisions**

---

This states the general purpose of the environmental standards.

### **4.2 Tree Preservation**

---

In accordance with discussion and recommendations on page 46, this section sets out new tree preservation and protection standards. The standards focus on maintaining tree canopy and preserving certain special individual trees.

#### **A. Purpose**

This states the section's purpose.

#### **B. Tree Canopy**

This requires most new development to retain or supplement existing tree canopy as needed to ensure that a specified percentage of the development so is covered by tree canopy. It also establishes priorities for determining which existing tree canopy areas are to be preserved.

#### **C. Special Trees**

This requires the preservation of specified species of trees above a specified diameter and any other trees above an even larger diameter. It allows their relocation onsite if needed.

#### **D. Tree Protection During Development Activity**

This requires barriers and other measures as needed to protect retained tree canopy and special trees, and planted trees, from damage during the construction process.

**E. Replacement Trees**

This requires replacement trees as need to make up any tree canopy deficit or replace removed or damaged special trees and sets standards for their number and size. It also allows payments to a Town tree mitigation fund in lieu of planting replacement trees.

**F. Credit Toward Other Standards**

This clarifies that required tree canopy and special trees can be credited toward meeting open space, buffer, and landscaping standards.

---

**4.3 Open Space and Recreation Area**

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In accordance with discussion and recommendations on page 53, this section expands the current recreation area standards into a comprehensive set of open space standards.

**A. Purpose**

This states the section's purpose.

**B. Applicability**

This identifies what development is subject to the open space and recreation area standards.

**C. Required Open Space Area and Recreation Area**

This specifies in tabular format what open space requirement (as a percentage of site area) applies to development of a particular use classification and particular groupings of districts (e.g., urban and rural). It also specifies what recreation area requirements (as a specified square footage per lot or dwelling unit) applies to residential subdivisions and other residential development—and makes clear that required recreation area counts toward meeting common open space requirements.

**D. Design Standards for Open Space and Recreation Area**

This describes the various types of allowable open space (including recreation area) in graphic format, identifies what lands they may not include, and sets out design standards for them.

**E. Development within Required Open Space and Recreation Area**

This identifies the activities and development that make take place within required open space and recreation area.

**F. Ownership, Management, and Maintenance of Open Space and Recreation Area**

This includes provisions addressing how required open space and recreation area may be owned and maintained.

---

**4.4 Riparian Buffers**

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In accordance with discussion and recommendations on page 44, this section consolidates and strengthens current riparian buffer standards. It largely carries forward provisions from the current Riparian Buffer Protection Ordinance, with administrative provisions and definitions consolidated with general UDO administrative provisions and definitions.

**A. Purpose**

This states the section's purpose.

**B. General Provisions**

This describes the bases for determining where riparian buffers are required.

**C. Riparian Buffers and Zones**

This sets out, in tabular and cross-sectional format, requirements for four types of riparian buffer:

- A one-zone, 100-foot-wide riparian buffer along perennial waters for “high-density development” within water supply watersheds;
- A two-zone, 100-foot-wide riparian buffer along perennial streams for all development within the Natural Resources Conservation Overlay District, Agricultural-Forestry District, and rural districts (RA-2 and RA);<sup>5</sup>
- A two-zone, 50-foot-wide riparian buffer along all other perennial and intermittent surface waters and wetlands within the Town's planning jurisdiction; and
- A one-zone, 30-foot wide riparian buffer along ephemeral streams.

**D. Diffuse Flow Requirements**

This carries forward current requirements.

**E. Uses and Activities Allowed in Riparian Buffers**

This carries forward the current table of exempt activities, allowable activities, and activities allowable with mitigation, modifying them only as necessary to incorporate required limitations on uses within water supply watershed buffers.

**F. Mitigation**

This carries forward current provisions.

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**4.5 Floodplain Management**

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This largely carries forward provisions from the current Flood Damage Prevention Ordinance, with administrative provisions (including those regarding floodplain administrator duties, flood development permits, variances, and enforcement) and definitions consolidated with general UDO administrative provisions and definitions, and carried-forward provisions reorganized to make them easier to understand and fit in with the rest of the UDO.

**A. Purpose**

This consolidates current provisions regarding findings of fact, purpose, and objectives.

**B. General Provisions**

This carries forward current provisions addressing applicability and the basis for determining special flood hazard areas.

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<sup>5</sup> See footnote 2.

### C. General Standards for Floodways, Non-Encroachment Areas, and Special Flood Hazard Areas

This carries forward current standards for development within floodways, non-encroachment areas, and special flood hazard areas (100-year floodplains), modifying some decision criteria to read as standards. Current provisions regarding subdivisions will be incorporated into this subsection.

## 4.6 Perimeter Buffers

This section carries forward current buffer strip standards from the Zoning Ordinance, modifying them to make them more flexible and easier to understand and apply.

### A. Purpose

This adds a purpose statement for the section.

### B. Applicability

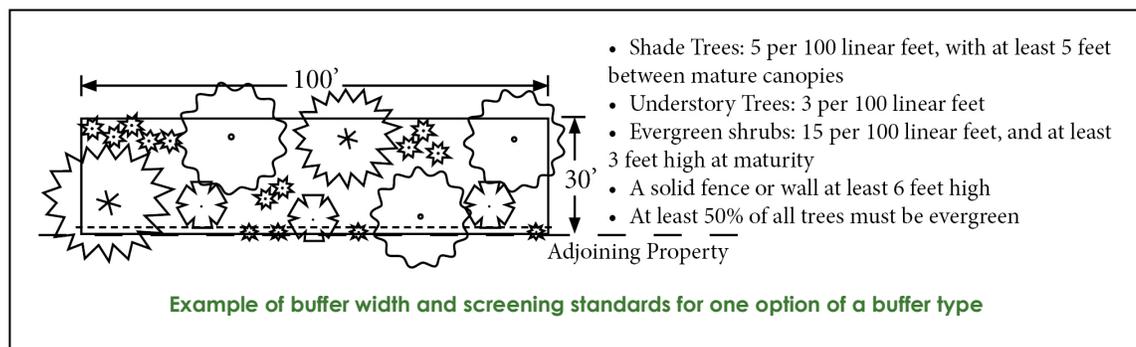
This identifies what development is subject to the perimeter buffer requirements.

### C. Required Buffer Type

This generally carries forward the current matrix identifying the buffer type required between a proposed development of one land use classification and an adjoining land developed or zoned for another land use classification. It modifies the matrix to spell out the various classes of land use (to avoid unnecessary references to the use table and to make its application easier). We recommend that the Town consider whether it wishes to also incorporate current street landscaping standards as perimeter buffer standards.

### D. Buffer Type Standards

This builds on the screening types currently required for buffer strips, expanding them to increase the number of "buffer types" and incorporating buffer width as an additional variable to screening in defining at least two options for each buffer type. Each buffer type will be illustrated with plan graphics that include objective and measurable screening standards rather than the current reliance on "opaque," "semi-opaque," and "broken" screening.



### E. Location of Buffers

This adds standards addressing where required perimeter buffers must be located and where exceptions may be made due to access or utility easements.

**F. Development within Buffers**

This adds standards identifying the extent to which limited development may occur within required buffers (e.g., crossing walkways, utility lines, storm drainage).

**G. Credit Toward Other Standards**

This clarifies that required perimeter buffers can be credited toward meeting open space, tree canopy, and landscaping standards.

---

**4.7 Stormwater Management**

---

This largely carries forward provisions from the current Stormwater Management Ordinance, with administrative provisions (including those regarding stormwater administrator duties, stormwater permits, variances, appeals, and enforcement) and definitions consolidated with general UDO administrative provisions and definitions, and carried-forward provisions reorganized to make them easier to understand and fit in with the rest of the UDO.<sup>6</sup>

**A. Purpose**

This consolidates the current findings and purpose provisions.

**B. Applicability**

This carries forward current provisions identifying what development is subject to the stormwater management standards.

**C. Design Manual**

This carries forward current provisions authorizing use of a design manual and addressing how it may be changed.

**D. Standards**

This carries forward current general standards and requirements and standards addressing:

- Nitrogen and phosphorus loading;
- Total suspended solids removal;
- Control and treatment of runoff volume;
- Partial offset of nutrient control requirements;
- Evaluation of standards for stormwater control measures; and
- Dedication of best management practices (BMPs), facilities, and improvements

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<sup>6</sup> The current Stormwater Management Ordinance is based on a model ordinance promulgated by the North Carolina Department of Environment and Natural Resources (NCDENR) to help local governments comply with State water quality rules for the Jordan Lake watershed. Because the model was designed as a stand-alone ordinance, it contains many general administrative, procedural, enforcement, and maintenance provisions that duplicate or are very similar to provisions found in the Town's other development regulations. We recommend that all those duplicative and similar provisions be incorporated into the UDO's general administrative, procedural, enforcement, and maintenance provisions to provide staff, developers, and other code users a holistic and well-integrated approach to land development in Pittsboro. Some local governments subject to NCDENR stormwater rules, however, are dissuaded from doing so because of a perceived difficulty in obtaining NCDENR approval of stormwater management regulations that don't fit its model ordinance. Although we continue to believe integrating State stormwater management requirements into the UDO is the best course of action, if the Town wishes to avoid potential difficulties obtaining NCDENR approval, we would simply place the Town's stormwater management ordinance verbatim into a separate article of the UDO.

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## 4.8 Green Development Incentives

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In accordance with discussion and recommendations on page 56, this new section sets out a point and menu system of incentives for developments that incorporate green development practices to a higher extent than the norm.

### A. Purpose

This states the section's purpose.

### B. Applicability

This states how new development may qualify for the green development incentives.

### C. Incentive Eligibility Point Requirements

This lists in tabular format various types of incentive (e.g., intensity bonus, lot coverage increase, parking requirement reduction, open space reduction, sign area increase) and sets out the minimum number of points needed to qualify for each incentive.

### D. Menu of Green Development Certifications and Practices

This lists in tabular format various certifications (e.g., LEED, Green Globes, NGBS, Energy Star, Envision) and various green development practices (grouped under renewable energy( and conservation, heat island effect, recycling and waste reduction, water conservation, urban agriculture, brownfield development), and sets out the number of points earned for providing each certification or practice.

### E. Verification

This states what how green development certifications and practices are proposed at the application stage and subsequently verified with documentation or inspection.

## Article 5: Development Standards

This article groups together the development standards other than the environmental standards in Article 4 that are related to the physical layout and design of new development. It addresses the changes recommended in the assessment report and highlighted in the table below. As the current development standards are consolidated into Article 6, these standards will be closely reviewed and modified as necessary to ensure they are still necessary, reflect modern best practices, and “fit in” with the organization, structure, and format of the UDO as a whole.

The development standards are grouped and ordered in accordance with the general order a developer or plan reviewer might approach a proposed development—from general and broad scope issues that largely define those parts of a site that can be developed; then the foundational elements of the development itself; then major site elements; then finer-grain elements of development. Any number of alternative groupings and order of the development standards may be deemed more appropriate, and the arrangement shown below can easily be modified to reflect what is best for Pittsboro.

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## 5.1 Access and Circulation

---

This section consolidates standards pertaining to vehicular, bicycle, and pedestrian access to/from and within a development. In accordance with discussion and recommendations on page 49, such standards are intended to address intermodal access and circulation, promote connectivity and integrated transportation systems, update design standards for vehicular, bicycle, and pedestrian accessways, and tailor the access and circulation requirements and standards to the urban or rural context of the development site.

### A. Purpose

This states the section's purpose.

### B. Applicability

This clarifies that the section applies to all development.

### C. Consistency with Plans

This requires the design and construction of access and circulation systems associated with a development to be consistent with Town-adopted plans addressing transportation.

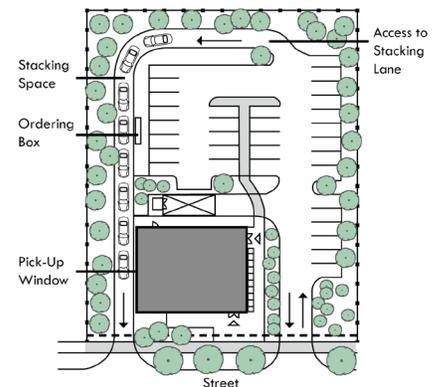
### D. Multimodal Transportation System

This requires access and circulation systems associated with a development to provide for multiple travel modes as appropriate to the development's size, character, and relationship to existing and planned transportation systems.

### E. Vehicular Access and Circulation

This includes standards addressing:

- Required vehicle access (by origin/destination, required improvements);
- Vehicular accessway classifications (based on *North Carolina Complete Streets Planning and Design Guidelines*);
- Traffic impact—including thresholds and procedural and content requirements for traffic impact analyses;
- Vehicular connectivity (e.g., extension of streets and cross-access between adjoining development);
- Vehicular access management (e.g., driveway intersections with streets, shared driveways, alley access, street intersections);
- Intersection sight distance areas (i.e., sight triangles);
- Fire lanes;
- Vehicular accessway design standards (e.g., standards referencing, modifying, or supplementing those in the *North Carolina Complete Streets Planning and Design Guidelines*; standards for driveway design); and
- Vehicle stacking space for certain uses (e.g., drive-through facilities, school drop-off/pick-up zones, ATMs).



**Example of illustrated vehicle stacking space standards**

### E. Transit Standards

This includes standards requiring provision of bus turnouts and bus stop facilities where called for by Town-adopted transportation plans.

### F. Bicycle Access and Circulation

This includes standards addressing:

- Required bicycle access (by origin/destination, required bikeway improvements);
- Bicycle connectivity (e.g., extension of bikeways and greenway trails, and cross-access between adjoining development); and
- Bikeway design standards (e.g., reference to NCDOT's *North Carolina Bicycle Facilities Planning and Design Guidelines*, AASHTO's *Guide for the Development of Bicycle Facilities*, and/or the National Association of City Transportation Officials (NACTO) *Urban Bikeway Guide*).

#### **G. Pedestrian Access and Circulation**

This includes standards addressing:

- Required pedestrian access (by origin/destination, required sidewalk and greenway path improvements);
- Pedestrian connectivity (e.g., extension of sidewalks and greenway trails, cut-through walkways, and cross-access between adjoining development); and
- Walkway design standards (e.g., reference to or incorporation of design guidelines in the Town's Pedestrian Transportation Plan, perhaps supplemented as necessary by reference to AASHTO's *Guide for the Development of Bicycle Facilities*).

---

### **5.2 General Site Layout and Design**

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This includes general site layout performance standards, plus block & lot design standards.

---

### **5.3 Commercial Development Design**

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This section adds basic standards addressing the design of commercial development. In accordance with discussion and recommendations on page 56, such standards are meant to supplement development standards that are generally applicable to all development, and include extra standards for “big-box” retail development.

#### **A. Purpose**

This states the section's purpose.

#### **B. Applicability**

This limits application of section standards to commercial development outside the Downtown District—i.e., development primarily involving commercial use(s), as well as substantial expansions of existing commercial developments. (Development within the Downtown District will be subject to form-based design standards tailored for the district.)

#### **C. Parking Location**

This includes standards limiting the amount of surface parking allowed between the front of the primary building(s) and the street it faces. Such limits may require all surface parking to be located to the side or rear of the principal building(s) (perhaps only in certain districts) or allow only one or two parking bays between the building and the street (probably for all other commercial development).

#### **D. Building Orientation and Configuration**

This requires:

- Primary buildings to be oriented to a street, interior drive, or open space rather than to a parking lot.
- Buildings in a multi-building development to be configured to frame and define development entry points, a “Main Street”, pedestrian corridors, or plazas or other outdoor gathering spaces.

#### **E. Building Facade Articulation**

This requires building facades longer than a specified length to be articulated through use of one or more features chosen from a menu of options such as fenestration (windows, doors), pronounced recesses and projections, changes in roof form or parapet height, and/or distinct changes in color, texture, or materials.

#### **F. Building Entrances**

This requires primary building entrances be clearly distinguished by one or more of features chosen from a menu of options such as arcades, awnings, canopies, porches, or recessed or projecting building mass.

#### **F. Outbuildings**

This requires outbuildings in front of primary buildings to be designed with building form details, materials, and colors compatible with the primary building(s).

#### **G. Large Retail Establishments**

This subsection adds supplemental design standards intended to break up large “big box” retail developments into a more human scale. Such standards:

- Limit the size of the footprint of any single building;
- Require surface parking areas with more than a certain number of spaces (e.g., 500) to be broken up into modules defined by streets, drives, and landscaped islands with pedestrian walkways; and
- Require the provision of clearly distinguished walkways through parking areas to/from the primary customer entrances to buildings.

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### **5.4 Parking and Loading**

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This section consolidates standards pertaining to vehicular parking and loading, as well as bicycle parking. In accordance with discussion and recommendations on page 51, such standards are intended to update ratios determining the minimum number of parking spaces, allow alternative parking arrangements, provide for compact vehicle parking spaces, limit parking in front of buildings, and break up large parking lots.

#### **A. Purpose**

This states the section's purpose.

#### **B. Applicability**

This clarifies the parking and loading standards applies to all new development and identifies how they apply to changes in use. It incorporates a provision in the current nonconformity standards that essentially provide changes of use a limited exemption from adding parking spaces to the extent site conditions make such addition impracticable.

### C. Off-Street Parking Space Requirements

This includes standards addressing:

- Minimum number of off-street parking spaces (using a table with uses matching those in the principal use table);
- Reduced parking based on demonstrated reduced demand (submittal and approval study of parking demand based on specific development characteristics—including commitment to transportation demand management activities);
- Requirements for developments with multiple principal uses (e.g., additive);
- Maximum number of off-street parking spaces (e.g., 125% of minimum) for certain uses;
- Compact vehicle parking spaces (e.g., what portion of required parking, grouping, location);
- On-street parking (generally not countable toward meeting parking standards);
- Driveways used to meet off-street parking requirements (generally allowed only for single-family development); and
- Accessible parking spaces (reference to *North Carolina Accessibility Code for Building Construction*).

### D. Off-Street Loading Space Requirements

This largely carries forward standards for the minimum number of off-street loading spaces, possibly modifying them to reflect best practices.

### E. General Standards for Off-Street Parking and Loading Areas

This sets out general standards for the design of parking and loading areas, including:

- Use of off-street parking and loading areas (not sales, repairs, storage);
- Surfacing (with hard smooth material, encourage use of recycled materials);
- Safe and convenient access (e.g., unobstructed ingress and egress to spaces, no conflicts with street travel);
- Markings (e.g., delineation of spaces)

### F. Off-Street Parking Area Arrangement and Design

This sets out standards for the layout and design of parking areas, including:

- Parking lot location (limits on parking located between buildings and fronting streets, perhaps variable by type of district)—if not limited to commercial developments (see page 56);
- Vehicle stacking space for parking area entrance drives (to avoid back-up of vehicles onto adjacent street);
- Pedestrian walkways in large parking lots (to break up parking lots and ensure convenient pedestrian access);
- Dimensional standards for parking spaces and aisles (using a tabular format with graphics); and
- Curb and wheel stops (when required).

### **G. Off-Street Loading Area Arrangement and Design**

This includes standards addressing:

- Loading area location (e.g., to rear of buildings);
- Dimensional standards for loading areas (presumptive standards for various categories of truck size).

### **H. Off-Street Bicycle Parking**

This includes standards addressing:

- Minimum number of off-street bicycle parking spaces (as ratio tied to minimum number of vehicle parking spaces);
- Bicycle parking facility arrangement and design (anchoring, clearance, convenience to building entrance).

### **I. Off-Street Parking Alternatives**

This includes standards addressing:

- Parking spaces over maximum allowed (with study demonstrating actual need for extra spaces);
- Shared parking (e.g., justification, what portion of required spaces, within convenient walking distance, shared parking agreement);
- Off-site parking (e.g., justification, what portion of required spaces, within convenient walking distance, off-site parking agreement);
- Deferred parking (justification/pre-development parking study, reserve parking plan, agreement, post-development parking study, release);
- Valet and tandem parking (e.g., what portion of required spaces, drop-off and pick-up areas, agreement);
- On-street parking (e.g., fronting or within short walking distance, no double counting); and
- In-lieu payment to a Town parking fund (if Pittsboro has plans to create such a fund and public parking program).

---

## **5.5 Utilities and Services**

---

This section consolidates current standards pertaining to a development's provision of utility services and facilities.

### **A. General Provisions**

This requires utility lines and facilities to comply with standards of the provider of the utility (e.g., Duke Energy, PSNC, AT&T, Time Warner Cable).

### **B. General Utility Installation/Construction Standards**

This includes general standards for installation or construction of utility lines and facilities, including a requirement for underground installation of all but major lines in all developments (or all but very-low-density residential development in rural districts).

**C. Water System**

This carries forward current requirements and standards for potable water lines and facilities, modifying them as necessary to reflect best practices—including a requirement for looped systems.

**D. Sewer System**

This carries forward current requirements and standards for sewage disposal lines and facilities (including pump stations), modifying them as necessary to reflect best practices. It also references County septic system standards.

**E. Other Utilities**

This references compliance with the standards of other utility providers.

**F. Utility Easements**

This carries forward current requirements and standards for provision of easements for utilities and other improvements.

**G. Solid Waste Removal**

This carries forward current standards for solid waste disposal and sanitation storage, modified to expand requirements and standards for dumpster enclosures.

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**5.6 Landscaping**

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This section consolidates basic landscaping standards

**A. Purpose**

This states the section's purpose.

**B. Applicability**

This clarifies the all development is subject to landscaping standards.

**C. General Landscaping Standards**

This includes standards addressing new planting standards, use of existing vegetation, berms, and landscaping in easements.

**D. Street Landscaping**

This carries forward current street landscaping standards (unless they are incorporated into the proposed perimeter buffer standards (see discussion on page 69).

**E. Parking Lot Landscaping**

This carries forward current parking lot landscaping standards, simplifying them where possible to facilitate understanding and application.

---

**5.7 Screening, Fences, and Walls**

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This consolidates and expands current screening design standards other than those for buffers (e.g., of exterior mechanical equipment, loading and service areas). It also consolidates common standards pertaining to fences and walls (e.g., location and height standards), modifying them to add basic appearance standards (e.g., offsets along long uninterrupted fences and walls, restrictions on certain fence and wall materials).

## 5.8 Outdoor Lighting

---

This generally carries forward current outdoor lighting standards from the Lighting Ordinance, reorganizing them to make them easier to read and modifying them to address new LED technology.

### A. Purpose

This states the section's purpose.

### B. Light Measurement

This carries forward current standard regarding how light levels are measured.

### C. General Lighting Standards

This carries forward and groups current lighting standards not related to specific areas and facilities. They include standards addressing:

- Perimeter Light Levels
- Floodlights
- Wall Pack Fixtures
- Shielded Fixtures
- Lighting Color
- LED Lighting (new standards incorporating best practices for regulating light emitting diode luminaires)

### D. Lighting Standards for Specific Areas and Site Features

This carries forward and groups current lighting standards related to specific areas and facilities. They include standards addressing:

- Open Parking Facilities
- Covered Parking Facilities
- Vehicular Canopies
- Outdoor Sports and Performance Areas
- Outdoor Display and Sales Areas
- Building Facades
- Signs and Billboards

### E. Lighting Standards for Residential Subdivisions

This carries forward current lighting standards specific to residential subdivisions.

### F. Lighting Standards for Bikeways, Walkways, and Parks

This carries forward current lighting standards specific to bikeways, walkways, and parks.

---

## 5.9 Plat Reference Points

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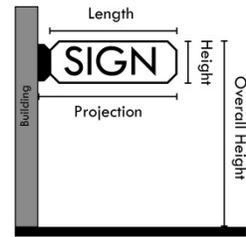
This carries forward current requirements and standards for monuments and lot markers in subdivisions.

---

## 5.10 Signage

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This generally carries forward current signage regulations, modified to simplify wording and reflect First Amendment legal requirements. In accordance with provisions in the Land Use Plan, sign regulations applicable in the Downtown District and Gateway Overlay District will be modified to more tightly control the number, size, and height of signs and to accommodate way-finding signage. Such changes are intended to reflect the more human scale and pedestrian orientation of development in those districts, and the need to maintain the downtown area as an attractive destination point and to establish attractive gateways into town. The administrative, nonconforming sign, and enforcement provisions in the current Lighting Ordinance will be consolidated with general UDO administrative, nonconformity, and enforcement provisions.



## Article 6: Nonconformities

This section carries forward current standards pertaining to nonconforming lots, uses, structures, signs, lighting, and parking, including their limitations on the expansion, reestablishment, or reconstruction of nonconformities.

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### 6.1 General Provisions

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This states the article's purpose, clarifying the general policy to tolerate the continued existence of nonconformities, but bring as many of them into compliance as reasonably practicable.

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### 6.2 Nonconforming Lots

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This carries forward current nonconforming lot standards, modifying them to delete provisions regarding nonconforming setbacks (addressed by proposed increased flexibility for setback standards).

---

### 6.3 Nonconforming Uses

---

This carries forward current nonconforming use standards, modifying them to incorporate those provisions from the separate current section regarding discontinuance of nonconforming situations that pertain to use, as well as nonconforming use provisions from water supply watershed regulations and current ordinances other than the Zoning Ordinance.

---

### 6.4 Nonconforming Structures

---

This carries forward current nonconforming use standards, modifying them to incorporate nonconforming use provisions from water supply watershed regulations and current ordinances other than the Zoning Ordinance.

---

### 6.5 Nonconforming Signs

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This carries forward current nonconforming sign standards from the sign regulations, modifying them to delete any obsolete amortization provisions.

## **6.6 Nonconforming Lighting**

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This carries forward current nonconforming lighting standards from the Lighting Ordinance, which require conformance when nonconforming light fixtures are replaced, moved, upgraded, or otherwise changed.

---

## **6.7 Nonconforming Site Features**

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This new section requires major expansions or remodeling of developments with nonconformities regarding perimeter buffer, access and circulation, parking, and landscaping standards to include upgrading of the nonconforming site features towards compliance in proportion to the extent of expansion or remodeling.

---

# **Article 7: Administration and Review Authorities**

In accordance with discussion and recommendations on page 14, this article consolidates current provisions establishing the Planning Board and Board of Adjustment and identifying the development regulation roles played by the Board of Commissioners and Town staff.

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## **7.1 Town Staff**

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This identifies the review, decision-making, and other roles of the Planning Director, Town Engineer, and other key staff involved in the administration of the UDO. The section includes provisions authorizing staff to develop and maintain procedural, design, and other administrative manuals that supplement the UDO.

In accordance with discussion and recommendations on page 14, this section formally establishes a Technical Development Review Committee made up of representatives from Town agencies and outside agencies generally involved with the review of development in the Town's jurisdiction and charged with the coordinated review of major development applications.

---

## **7.2 Planning Board**

---

This carries forward current provisions establishing the Planning Board and describing its powers and duties, appointment, composition, officers, and basic rules governing its actions. It modifies them to focus on the Board's development review responsibilities.

---

## **7.3 Board of Adjustment**

---

This carries forward current provisions establishing the Board of Adjustment and describing its powers and duties, appointment, composition, officers, and basic rules governing its actions. It modifies them to focus on the Board's development review responsibilities. Current provisions relating to the review of specific types of applications (e.g., variances and appeals) are incorporated into Section 8.3 (Application-Specific Procedures).

---

## **7.4 Board of Commissioners**

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This identifies responsibilities of the Board of Commissioners in respect to the UDO.

---

# **Article 8: Development Review Procedures**

This article consolidates and sets out the procedures by which development applications are reviewed and decided by Town review authorities. It modifies current permit and review procedural provisions to group common procedural steps and consolidate concurrent review procedures where practicable.

---

## 8.1 Table of Development Review Procedures

This includes a summary table providing a snapshot of all of the Town's development review procedures. The table lists individual development applications, identifies the role various review authorities have in the review of each application, shows where a pre-application staff conference or neighborhood meeting is required, and identifies when a hearing is required (and the type of hearing). It also reflects the consolidation of the current two-step site plan and preliminary subdivision plat reviews into a single two-step development approval review and delegation of some development review authority to Town staff or the Planning Board or Board of Adjustment.

Below is a suggested summary table of development review procedures for the UDO.

<b>Summary of Suggested Development Review Procedures</b>									
C = Review and Comment    R = Review and Recommend    D = Review and Decide ( ) = Public Comment Session    [ ] = Standard Public Hearing    < > = Quasi-Judicial Public Hearing    M = Mandatory									
Application Type	Pre-Application Staff Conference	Neighborhood Meeting	Review Authorities						
			Staff				Advisory	Decision-Making	
			Building Official	Technical Development Review Committee	Town Engineer	Planning Director	Planning Board	Board of Adjustment	Board of Commissioners
<b>Basic Development Review Procedures</b>									
Preliminary/General Development Plan Approval [1]	M	M		C	C	R	R		D
Final/Detailed Development Plan Approval [2]					C	D			
Stormwater Management Permit					D				
Compliance Permit			C		C	D			
Building Permit [3]			D		C	C			
Certificate of Compliance/Occupancy [3]			D		C	C			
<b>Supplemental Development Review Procedures</b>									
Special Use Permit[ ]	M	M		C		R		<D>	
Riparian Buffer Development Review	M				D	C			
Floodplain Development Permit					C	D			
Sign Permit			C			D			
Record Plat Approval					C	D			
Site-Specific Development Plan Designation						R	(R)		[D]
<b>Variances and Appeals</b>									
Variance	M	M				R		<D>	
Riparian Buffer Variance	Major	M	M			R	C	<D>[4]	
	Minor	M	M			R	C	<D>	
Stormwater Variance	Major	M	M			R		<D>[4]	
	Minor	M	M			R		<D>	
Administrative Appeal								<D>	
<b>Ordinance Amendments</b>									
Rezoning	General	M	M		C		R	(R)	[D]
	Conditional	M	M		C		R	(R)	[D]
	Planned Development	M	M		C		R	(R)	[D]
Text Amendment					C		R	(R)	[D]
NOTES: [1] This is the primary review procedure for major developments. [2] This is the primary review procedure for minor developments and a second-stage review procedure for major developments. [3] Review procedures for Building Permits and Certificates of Compliance/Occupancy are established in the Building Code, but are shown here because they are closely related to the development review procedures in this Ordinance. [4] The Board of Adjustment's decision is preliminary and is submitted to the N.C. Environmental Management Commission for a final decision									

## **8.2 Standard Review Procedures**

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In accordance with discussion and recommendations on page 18, this section consolidates procedures and requirements common to the review of different types of applications.

### **A. Pre-Application Conference**

In accordance with discussion and recommendations on page 19, this creates procedural standards for pre-application conferences between prospective applicants, and Town staff and makes such conference mandatory for major development applications.

### **B. Neighborhood Meeting**

In accordance with discussion and recommendations on page 20, this creates procedural standards for pre-application meetings between prospective applicants and the owners and occupants of properties close to a proposed development site, and makes such conference mandatory for major development applications.

### **C. Application Submittal and Acceptance**

In accordance with discussion and recommendations on page 21, this consolidates procedural standards for the submittal and acceptance of development applications, modifying them to strengthen standards requiring Town staff to find applications to be complete before accepting them for review. It also references an administrative manual for a list of submittal content requirements for applications.

### **D. Staff Review and Action**

In accordance with discussion and recommendations on page 22, this adds provisions spelling out steps involved in the staff review and action on development applications—including their distribution to other review authorities for review and comment, the compilation of comments and notice to applicants of compliance deficiencies, the opportunity for applicants to revise applications in response to identified deficiencies, and staff action to approve or deny applications, or recommend approval or denial of applications to advisory or decision-making boards.

### **E. Scheduling and Public Notice of Hearings**

In accordance with discussion and recommendations on page 22, this consolidates in a tabular format provisions identifying when hearings are required and how notice of hearings is provided.

### **F. Planning Board Review and Recommendation**

In accordance with discussion and recommendations on page 23, this sets out how the Planning Board reviews and takes action on applications for which it has an advisory or decision-making role.

### **G. Board of Adjustment or Board of Commissioners Review and Decision**

In accordance with discussion and recommendations on page 23, this sets out how the Board of Adjustment reviews and decides applications for which it has a decision-making role.

## H. Hearing Procedures

In accordance with discussion and recommendations on page 23, this sets out a basic procedure for conducting hearings that addresses who may speak, the order of proceedings, authority to reasonably limit testimony, and a public record of the hearing is made. It identifies the added procedural requirements (e.g., swearing in, cross-examination) applicable to quasi-judicial hearings.

## I. Equivalent Alternative Design

In accordance with discussion and recommendation on page 23, this authorizes decision-makers to approve plans showing alternative designs that incorporate minor deviations of specified quantitative standards (as specified in a table), on finding that the alternative design is justified by site or development conditions that:

- Make strict compliance with the relevant standard impossible or impractical or impede compliance with environmental standards or other development standards;
- Achieves the intent of the relevant standard to an extent equal to or exceeding that achieved by strict application of the standard; and
- Imposes no greater impacts on adjacent properties than would occur through strict application of the relevant standard.

## J. Post-Decision Actions and Limitations

In accordance with discussion and recommendations on page 23, this includes provisions addressing Town staff's provision of notices of application decisions to applicants and other affected parties, the time approvals remain valid, and limitations on the frequency at which applications for the same development may be submitted.

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## 8.3 Application-Specific Procedures

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This section sets out, for each individual type of development application, provisions that state the purpose of the application, identify any applicable variations from the standard review procedures, set out applicable review criteria, and include a flowchart of the procedure. In accordance with discussion and recommendations on page 14 and 16, the provisions consolidate some current application procedures and modify some to delegate decision-making authority from the Board of Commissioners to the Planning Board or Town staff.

### A. General

This explains how the application-specific procedures relate to the standard procedures.

### B. Basic Development Review Procedures

This sets out the basic applications and associated review procedures most commonly required and most frequently sought in Pittsboro. Addressing these first makes it easier for UDO users to find those procedural provisions most likely to be relevant to them. Such basic development applications and review procedures include the following:

- **Major Development and Minor Development**

In accordance with discussions and recommendations on page 14 and 16, this subsection defines and distinguishes major developments and minor developments. It includes all development, including subdivisions, in the

definitions and uses specified thresholds related to the number of proposed lots/dwelling units (e.g., 50 lots/units) or floor area (e.g., 25,000 square feet), and possibly by type of use (e.g., singling out development involving certain complex or typically controversial uses as major developments) and/or location (e.g., singling out development in certain districts as major developments).

These thresholds increase those in the current development regulations that distinguish “no site plan required” versus “site plan required” (multifamily development with 10 or fewer dwelling units and nonresidential with 3,000 square feet or less of floor area) and minor subdivisions versus major subdivisions (5 lots and no new street, extension of local governmental facilities, or creation of public improvements).

Major developments are subject to Preliminary/General Development Plan Approval by the Board of Commissioners (following advisory review by Town staff and the Planning Board), followed by Final/Detailed Development Plan Approval by Town staff.

Minor developments are subject to just Final/Detailed Development Plan Approval by Town staff.

- **Preliminary/General Development Plan Approval**

This procedure represents the first phase of approval for major developments, subject to approval by the Board of Commissioners after advisory review by Town staff and the Planning Board. It essentially carries forward the current procedures for site plan approval and preliminary plat approval, modified to relate to the standard review procedures.

- **Final/Detailed Development Plan Approval**

This procedure represents the second approval step for major developments and as the first approval step for minor developments, and is subject to approval by Town staff.

- **Stormwater Permit**

This carries forward the basic review procedure of the current Stormwater Management Ordinance, subject to approval by Town staff. Although general compliance with stormwater management standards will be considered during review of applications for Preliminary/General Development Plan Approval and Final/Detailed Development Plan Approval, approval and issuance of a Stormwater Permit represents the primary pre-development verification of compliance with stormwater management standards. Applications for a Stormwater Permit may be submitted and reviewed concurrently with those for Final/Detailed Development Plan Approval.

- **Compliance Permit**

This new procedure serves as the Town staff's final pre-development verification of compliance with all applicable UDO standards and the terms of prior approvals and permits. Applications for a Compliance Permit may be submitted and reviewed concurrently with those for a Stormwater Permit. Applications for a Compliance Permit are often submitted and reviewed concurrently with those for a Building Permit.

- **Building Permit**

This references the Building Permit review procedure in the State Building Code and notes its relationship to determination of UDO compliance.

- **Certificate of Compliance/Occupancy**

This references the Certificate of Compliance/Occupancy review procedure in the State Building Code and notes its relationship to determination of UDO compliance.

#### **D. Supplemental Development Review Procedures**

This sets out application and associated review procedures that are not always required or sought, but may be required due to the location of the proposed development site or the special character of the proposed use, or because the application pertains only to a particular site element or technical review. Such supplemental development applications and review procedures include the following:

- **Special Use Permit**

In accordance with discussion and recommendations on page 17, this replaces the current review procedure for Special Use Permits, which is subject to approval by the Board of Commissioners after advisory review by Town staff and the Planning Board, with one subject to approval by the Board of Adjustment. Applications for a Special Use Permit may be submitted concurrently with applications for Preliminary/General Development Plan Approval, and must be approved before or concurrently with an application for Final/Detailed Development Plan Approval.

- **Riparian Buffer Review**

This carries forward the current procedure in the Riparian Buffer Protection Ordinance pertaining to the Town staff's determination of proposed development as exempt, allowable, or allowable with mitigation—modified to relate to the standard review procedures. Although general compliance with riparian buffer standards will be considered during review of applications for Preliminary/General Development Plan Approval and Final/Detailed Development Plan Approval, Riparian Buffer Review provides primary pre-development verification of compliance with riparian buffer standards. Applications for Riparian Buffer Review may be submitted concurrently with applications for Final/Detailed Development Plan Approval.

- **Floodplain Development Permit**

This carries forward the current procedure for Town staff review and approval of Floodplain Development Permits—modified to relate to the standard review procedures. Although general compliance with floodplain standards will be considered during review of applications for Preliminary/General Development Plan Approval and Final/Detailed Development Plan Approval, approval and issuance of a Floodplain Development Permit represents the primary pre-development verification of compliance with floodplain standards. Applications for a Floodplain Development Permit may be submitted concurrently with applications for Final/Detailed Development Plan Approval.

- **Sign Permit**

This carries forward the current procedure for Town staff review and approval of Sign Permits—modified to relate to the standard review procedures. Although general compliance with signage standards will be considered during review of applications for Preliminary/General Development Plan Approval and Final/Detailed Development Plan Approval, approval and issuance of a Sign Permit represents the final verification of compliance with signage standards.

- **Record Plat Approval**

In accordance with discussion and recommendations on page 16, this replaces the current procedure for review and approval of final plats for major subdivisions by the Board of Commissioners with a simple procedure for Town staff review and approval of the record plat for any subdivision (including those for subdivisions constituting minor developments)—modified to relate to the standard review procedures. It includes certification and recordation requirements.

- **Site-Specific Development Plan Designation**

This carries forward the current procedure whereby the Board of Commissioners, following a public hearing, determines that an approved site-specific development plan is a site-specific development plan that is generally vested under State law against subsequent changes to applicable Town regulations for two years. It modifies the procedure to provide that the determination “piggy-backs” any Preliminary/General Development Plan Approval by the Board of Commissioners, and follows any Board of Adjustment or Town staff approval of a site-specific development plan.<sup>7</sup>

## **E. Variances and Appeals**

This subsection sets out the two review procedures that involve requests for relief from Town development regulations or decisions.

- **Variance**

This consolidates current procedures for variances from zoning regulations with those for variances from floodplain management, riparian buffer, and stormwater management standards—modified to relate to the standard review procedures. It incorporates the additional review criteria applicable to the various types of variance. It also incorporates additional provisions reflecting State law distinctions of major and minor variances from riparian buffer and stormwater management standards and the referral of major variances to NCDNER.

- **Appeal**

This consolidates current procedures for appeals from zoning decisions with those from decisions on floodplain development permits, riparian buffer determinations, and stormwater permits—modified to relate to the standard review procedures. It incorporates procedural variations required by State regulations for appeals from decisions regarding riparian buffer determinations and Stormwater Permits.

## **F. Rezoning and Ordinance Amendments**

This subsection sets out procedures for the initiation, review, and approval of proposals to amend the UDO, including its text or its Zoning Map. These procedures are

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<sup>7</sup> This procedure is required by State law, which does not recognize that most plans qualifying as a “site-specific development plan” are approved by Town staff, or otherwise without a public hearing. Since proposed provisions provide that most Town approvals are valid as authorizing the approval development for a two-year period, little use of this procedure is expected.

addressed last because they represent “changes to the rules,” which should be a rare event if the UDO works as well as intended. It carries forward current review procedures for general rezonings, conditional rezonings, planned development rezonings, and text amendments.

We recommend that the procedures be modified to distinguish a citizen’s or organization’s petition to the Board of Commissioners for an amendment of the UDO (which is usually generally described) from the filing of a formal application for an amendment of the UDO (which should be specifically described), with authority to submit the latter limited as necessary to discourage specious or poorly defined applications.

- **General Rezoning**

This carries forward current review procedures for general rezonings—modified to relate to the standard review procedures.

- **Conditional Rezoning**

This carries forward current review procedures for conditional rezonings—modified to relate to the standard review procedures.

- **Planned Development Rezoning**

In accordance with discussion and recommendations on page 27, this consolidates Mixed Use Planned Development District review procedures into the Planned Development District review procedures—modified to relate to the standard review procedures. The procedures clarify the requirement that planned development rezoning applications include a PD master plan and agreement.

- **Text Amendment**

This carries forward current review procedures for Text Amendments—modified to relate to the standard review procedures.

## Article 9: Enforcement

This article consolidates enforcement provisions from the various development regulations, reorganizing and modifying them to create a set of provisions that comprehensively address how violations of the UDO can be most effectively corrected. In accordance with discussion and recommendations on page 25, the article also incorporates and expands current performance and maintenance provisions, which represent procedures and standards intended to ensure that approved development ends up as approved.

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### 9.1 Purpose

This states the article’s purpose.

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### 9.2 Performance

This carries forward, consolidates, and expands current provisions that state a developer’s responsibility to construct approved development in accordance with applicable standards and the terms of the approval. It does so by setting out standards under which construction of approved development may be phased, procedures for periodic inspection of construction, and options for ensuring that approved improvements are actually constructed or installed before development is occupied.

#### **A. Phasing of Development**

This includes criteria for approval of a phasing plan that ensures that if a development is abandoned mid-stream, the phases that have been constructed can stand as a development that fully complies with applicable development regulations.

#### **B. Inspections**

This carries forward provisions (especially stormwater management standards) requiring inspections of approved development as it is constructed to ensure it complies with applicable standards and terms of approval.

#### **C. As-Built Drawings**

This carries forward provisions requiring submittal of as-built drawing of public improvements associate with a development as they are certified as completed in accordance with applicable standards.

#### **D. Performance Guarantees**

This carries forward current provisions that authorize and provide procedures for posting of bonds and other performance guarantees in lieu of completing public facility improvements before final development approvals. It expands them to ensure installation of required replacement trees and buffer landscaping. The provisions address acceptable forms of a guarantee, the amount of the guarantee, when and how it may be released (in full or in part), and what happened in the case of a default of the guarantee.

#### **E. Payment in Lieu of Construction of Streets**

This new section includes provisions authorizes the Board of Commissioners to approve a developer's request to make a payment to the Town in lieu of providing all or a portion of required public street improvements (including associated roadways, bikeways, and sidewalks).<sup>8</sup> The provisions address the amount of the payment and limitations on how the Town must use the payment.

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### **9.3 Maintenance**

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This carries forward, consolidates, and expands current provisions that state a developer's or owner's responsibility to maintain approved development in compliance with applicable standards and the terms of the approval. It includes options for ensure certain approved improvements continue to comply with applicable standards after their completion.

#### **A. General Maintenance Requirement**

This clarifies the responsibility of the developer and/or owner to maintain completed development in good repair.

#### **B. Maintenance Guarantees**

This adds provisions authorizing and provide procedures for posting of bonds or other maintenance guarantees that are intended to ensure completed public improvements against defects in workmanship or materials and to ensure the survival and health of required replacement trees and buffer landscaping. The provisions address acceptable forms of a guarantee, the amount of the guarantee, when and

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<sup>8</sup> This authority is expressly set forth by State law.

how it may be released (in full or in part), and what happened in the case of a default of the guarantee.

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#### **9.4 Violations and Responsible Persons**

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This describes what constitutes a violation of the UDO, listing examples of specific violations, and identifies who can be held responsible for UDO violations and be subject the section's remedies and penalties.

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#### **9.5 Enforcement Responsibility and Procedures**

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This carries forward current general enforcement provisions.

##### **A. Responsibility for Enforcement**

This identifies Town staff primarily responsible for taking enforcement actions.

##### **B. Complaints**

This addresses how to deal with complaints.

##### **C. Inspections**

This authorizes Town staff to conduct inspections necessary to determine whether a violation exists.

##### **D. Notice of Violation and Opportunity for Correction**

This requires Town staff to provide violators notice of the violation and the opportunity to correct it before application of remedies and penalties.

##### **E. Administrative Hearing**

This requires Town staff to provide violators the opportunity to discuss the violation and corrective measures to Town staff before application of remedies and penalties.

##### **F. Application of Remedies and Penalties**

This authorizes Town staff to initiate appropriate remedies and penalties if the violator fails to correct the violation as required or agreed.

##### **G. Emergency Enforcement without Notice**

This authorizes Town staff to seek immediate enforcement action without prior notice if an enforcement delay would pose a danger to the public health, safety, or welfare.

##### **H. Repeat Violations**

This authorizes the Town to essentially reopen an apparently resolved case against someone who soon repeats the same violation.

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#### **9.6 Civil Remedies and Penalties**

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This consolidates and expands current provisions describing the range of civil remedies and penalties available under North Carolina law to enforce the UDO. Such remedies and penalties include:

- o Issuance of Stop Work Orders
- o Revocation of Permits or Approvals
- o Denial or Withholding of Related Permits or Approvals

- Citations and Civil Penalties
  - Injunctions
  - Orders of Abatement
  - Equitable Remedies
- 

### **9.7 Criminal Penalties**

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This consolidates current provisions describing the criminal penalties available under North Carolina law to enforce the UDO.

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### **9.8 Cumulative Remedies and Penalties**

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This clarifies that the authorized remedies and penalties are cumulative.

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## **Article 10: Interpretation and Definitions**

This article consolidates all rules of interpretation and measurement relevant to UDO provisions, as well as all definitions of terms used in the UDO.

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### **10.1 Interpretation of Text**

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This carries forward and expands rules governing how UDO text is interpreted.

---

### **10.2 Interpretation of Zoning Map Boundaries**

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This carries forward and expands rules governing how zoning district boundaries on the Zoning Map are interpreted.

---

### **10.3 Use Classifications and Interpretation**

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#### **A. Principal Use Classification System**

In accordance with discussion and recommendations on page 37, this adds new provisions describing the three-tiered system used to classify principal uses.

#### **B. Interpretation of Unlisted Uses**

This defines a process and criteria that Town staff uses to interpret whether a use type not expressly listed in the use table should be permitted in a particular zoning district. The process involves review of the nature, function, size, duration, impacts, and other characteristics of the use in relation to those of use types listed as permitted in the district, as well as in relation to the purpose and intent of the district.

---

### **10.4 Measurement, Exceptions, and Variations of Intensity and Dimensional Standards**

---

#### **A. Measurement**

This sets out rules of measurement for the UDO's principal intensity and dimensional standards (e.g., lot area, lot frontage, density, structure height, setbacks). It includes graphics depicting how the rules are applied.

#### **B. Exceptions and Variations**

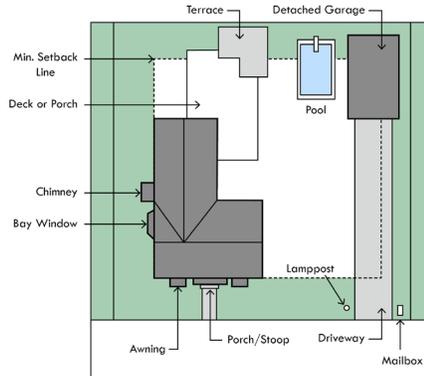
This describes exceptions and variations to the UDO's principal intensity and dimensional standards, including contextual reductions of minimum lot area, lot width, front setbacks to a block face average, exceptions to structure height (e.g., for spires,

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rooftop equipment), and allowable encroachments into required yards. It includes graphics depicting such exceptions and variations.

### 10.5 Definitions

This section carries forward and consolidates all the definitions found in the current development regulations, and adds to and modifies them as necessary to ensure that the definitions include all referenced use types, avoid duplications and conflicts, exclude any substantive or procedural requirements, and conform to federal and North Carolina law and constitutional requirements. To facilitate readers' access to the definitions, defined terms are listed in alphabetical order.



**Example illustration of exceptions to setback standards**



# IV. APPENDIX: GRAPHIC EXAMPLES

Article 3. zoning Districts  
Section 3.4. Activity Center Districts  
3.4.4. Community Activity Center (CAC) District

**3.4.4. Community Activity Center (CAC) District**

**COMMUNITY ACTIVITY CENTER (CAC) DISTRICT**

**A. Purpose**

In accordance with the Comprehensive Plan, the Community Activity Center District provides for community-wide employment, retail, education, health care, entertainment, or mixed-use developments or key intersections of major transportation corridors in Town. It is intended to provide improved access to jobs and daily institutional and service needs, a compatible mix of uses, and access to a variety of transportation options. Land uses in the district should include a mix of uses, such as office and institutional, entertainment, retail, major commercial, and residential user-but not destination retail uses requiring substantial outdoor display or storage, such as building supply stores, plant nurseries, or auto sales.



**B. Principal Intensity and Dimensional Standards**

**Table 1: Dimensional Standards**

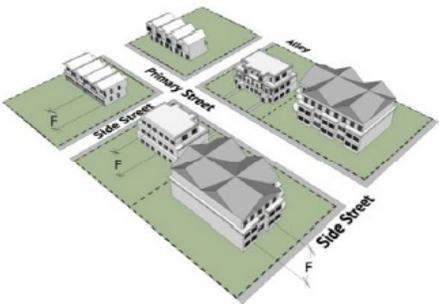
Standard	Single-Family Dwellings	Multi-Family Dwellings	Other Uses
<b>Lot Standards</b>			
Min. Lot Area (sf)	n/a	20,000	20,000
Min. Lot Width (ft)	20	100	150
Max. Lot Density (du/ac)	n/a	n/a	n/a
Max. Lot Coverage (%)	70	65	65
<b>Setbacks</b>			
Min. Front (ft)	10	30	30
Min. Side (ft)	0	10	10
Min. Corner Side (ft)	18	30	30
Min. Rear (ft)	6	10	10
Min. Back (ft)	10	20	20
<b>Building Standards</b>			
Max. Structure Height (ft)	45	60	70
Min. Building Separation (ft)	25	n/a	n/a

**Cross References**

Art. 4. Use Standards
Art. 5. Development Standards
Sec. 0
Sec. 5.10.0.G
Art. 6. Riparian Buffers
Art. 7. Stormwater Management

Notes: n/a = square feet, ft = feet, du = dwelling units, ac = acre, % = percent, n/a = not applicable

Article 3. zoning Districts  
Section 3.4. Activity Center Districts  
3.4.4. Community Activity Center (CAC) District



Monteville, NC  
Unified Development Ordinance

Page 3-25

Example of a graphically-enhanced layout of zoning district regulations

## Compatible Nonresidential/Residential Transition



- ① Lower finished floor elevation helps reduce visual mass
- ② Pitched roof eases transition between larger and smaller structures
- ③ Off-street parking to rear of building maintains residential character
- ④ Uniform front setback maintains consistent building wall along street
- ⑤ Low-profile signage maintains residential character
- ⑥ Square, divided-light windows are consistent with residential context
- ⑦ Story-line configured to repeat adjacent building heights
- ⑧ Identical exterior materials helps different buildings "fit" together
- ⑨ Deep eaves and corbels add visual interest

