

ZONING DISTRICT DIMENSIONAL AND USE REQUIREMENTS

§ 152.020 R-1 RESIDENTIAL.

The R-1 Residential Zoning District Classification is established to provide areas for medium-density, single-family residential uses, where adequate water and sewer facilities are available to serve the development. Low-density single-family residential uses are allowed where water and/or sewer facilities are not available; consequently, the minimum lot sizes shall be increased and the density shall be reduced to accommodate the larger lot sizes that may be required by the Macon County Department of Public Health.

(A) *Dimensional requirements.*

Minimum lot size, single-family (sq. ft.): 10,000

Minimum lot size, two-family (sq. ft.): 15,000

Minimum setbacks (feet): front: 25

side: 10

rear: 15

Maximum building height (feet): 35

Maximum gross floor area (sq. ft.): no restrictions

Minimum open space (% of site): 40 (not applicable to single-family and two-family residences.)

(B) *Permitted uses.* The following uses are permitted by right in the R-1 Residential Zoning District Classification provided they meet all requirements of this section and all other requirements established in this ordinance. A use followed by the notation (SR) is permitted subject to special requirements contained in §§ 152.120 - 152.123, below.

- (1) Accessory uses and/or structures
- (2) Accessory dwelling units (SR)
- (3) Adult day care homes
- (4) Agriculture
- (5) Bed and breakfast facilities (SR)
- (6) Cemeteries
- (7) Child care homes
- (8) Child day care centers (SR)
- (9) Home occupations (SR)
- (10) Minor planned residential developments, subject to the requirements of §§152.050 - 152.062, herein (SUP).
- (11) Modular homes
- (12) Places of worship
- (13) Public parks, including greenways
- (14) Public utility facilities (SR)
- (15) Residences, single-family
- (16) Residences, two-family
- (17) Schools, elementary and secondary (SR)

(C) *Special uses.* The following use shall be permitted in the R-1 Residential District Classification only upon issuance of a special use permit pursuant to §§ 152.050 - 152.062, below.

Adaptive reuses (SR)

(Ord. passed 10-1-07; Am. Ord. passed - -)

§ 152.021 R-2 RESIDENTIAL.

The R-2 Residential Zoning District Classification is established to provide areas for medium- to high-medium density, for single- and multi-family residential uses, with a maximum density of eight dwelling units per acre, where adequate water and sewer facilities are available to serve the development. Housing types allowed include single-family, two-family, multi-family and individual manufactured homes, and manufactured home parks. Where water and/or sewer facilities are not available; consequently, the minimum lot sizes shall be increased and the density shall be reduced to accommodate the larger lot

(5) Brewpubs.

- (6) Cemeteries.
- (7) Civic centers and cultural art facilities.
- (8) Civic clubs and fraternal organizations.
- (9) Dance and fitness facilities.
- (10) Dry cleaning and laundry establishments.
- (11) Funeral homes and crematoria.
- (12) Home occupations.
- (13) Hotels and motels.
- (14) Laundries, coin-operated.
- (15) Live/work or mixed use buildings in which any of the business uses described in this subsection occur on the first floor and residential uses occur behind or on upper floors.
- (16) Mobile food vending (SR).
- (17) Multi-family dwellings and apartments ten plus units (SUP).
- (18) Music and art studios and galleries.
- (19) Newspaper offices and printing establishments.
- (20) Offices, professional, governmental and financial, including banks.
- (21) Parking lots and garages.
- (22) Parking lots and structures.
- (23) Places of worship.
- (24) Private clubs (SR).
- (25) Public and semi-public uses such as libraries, museums and galleries.
- (26) Public utility facilities.
- (27) Recreational facilities, indoor.
- (28) Repair services.
- (29) Restaurants.
- (30) Retail sales.
- (31) Schools, business, technical and vocational.
- (32) Service stations.
- (33) Services, personal, business and repair.
- (34) Tasting rooms.
- (35) Theaters.
- (36) Transit facilities.
- (37) Wholesale sales.

(C) *Prohibited uses.* No non-residential development or redevelopment exceeding 30,000 square feet in gross floor area shall be permitted in the C-1 Central Commercial Zoning District Classification. Unless a special use permit has been approved by the Board of Adjustment.

(D) *Streetscape design.* The relationship between a building and areas for pedestrian or vehicular circulation shall be carefully planned in order to avoid negative impacts of one upon the other. All buildings and uses developed in this zoning district classification shall meet the following minimum standards; provided, however, buildings undergoing renovation and rehabilitation, in which the footprint of existing structures is not being increased or altered, may be exempted from regulations regarding street walls and urban open spaces if site conditions make compliance therewith impractical.

(1) *Street walls.*

(a) The first floors of all buildings, including structured parking, shall be designed to encourage and complement pedestrian-scale interest and activity. To the extent practicable, in consideration of the nature of the uses proposed, this is to be accomplished in part by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on the first floor street frontage. In addition a combination of design elements shall be used on the

building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include, but are not limited to, the following: ornamentation, molding, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, landscaping and garden areas, and display areas.

(b) Any design elements which extend into the public right-of-way on city or state maintained streets require an encroachment agreement with the Town of Franklin or the North Carolina Department of Transportation (NCDOT), as appropriate. Where expanses of blank wall are necessary, they may not exceed 20 feet in length. A blank wall is a facade which does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation as listed in the above paragraph. The first floor and street level shall be designed with attention to adjacent public or private open spaces and existing streetscape improvements. The provision of multiple entrances from the public sidewalk or open spaces is encouraged.

(c) All new structures must not be built further than 20 feet from street right-of-way to help encourage pedestrian activity. All new structures must be at least two or more stories high to help to insure new structures blend with the historic look of the C-1 Downtown District.

(2) *Structured parking facilities.* In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked cars. The remainder of the street level frontage shall be either commercial space or an architecturally articulated facade designed to minimize the visibility of parked cars. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement. The design requirements of this section apply to all building facades which are visible from any public right-of-way.

(3) *Screening.* All structures and facilities for trash, loading, outdoor equipment, and storage, including the storage of inventory, shall be screened so as not to be visible from the street and pedestrian circulation areas. Solid walls shall be faced with brick, stone or other decorative finish with the decorative side adjacent to the public right-of-way. Fences shall be opaque and either painted or stained with the decorative side adjacent to the public right-of-way. In no instance will a chain link or barbed wire fence be acceptable. Trees used to fulfill this requirement shall be located on private property in planters, a planting strip, berm or tree lawn, any of which shall be at least eight feet wide and at least two feet deep. The trees shall be of a small maturing evergreen variety and be at least ten feet tall at the time of planting. All shrubs shall be between 24 inches and 36 inches tall at time of planting. All plant material shall conform with the American Standard for Nursery Stock published by the American Association of Nurserymen. Trees employed to meet the screening requirement may not be counted toward the street tree planting or urban open space tree requirements. Any lot which becomes vacant through the removal of a structure for any reason shall be screened from all abutting public street rights-of-way in accordance with the provisions of this section or cleared of rubbish and debris and seeded with grass. However, if the lot is to be used for parking either as a transitional or permanent use, it shall meet all the minimum requirements for that use as established by this chapter. Maintenance of screening required under these provisions shall conform to the requirements of §§ 152.170 - 152.179, including the requirement to promptly replace dead vegetation with healthy, living plantings.

(4) *Street trees.* In addition to all other requirements of this section, at least one tree with three to three and one-half inches caliper, minimum, measured 6 inches above ground, shall be planted for each 25 feet for small maturing trees and for each 35 feet for large maturing trees of the entire building lot which abuts any public street right-of-way with a minimum of one tree required for any distance up to 35 feet. Trees shall not be planted closer than two feet, nor more than ten feet, from the back of the curb. For the purposes of this section, all specifications for measurement and quality of trees shall be in accordance with the American Standard for Nursery Stock published by the American Association of Nurserymen. All trees planted to meet this requirement shall be well-matched specimen grade and shall be limbed up six feet. Trees used to fulfill this requirement may be located on public or private property. Maintenance of street trees required under these provisions shall conform to the requirements of §§ 152.170 - 152.179, including the requirement to promptly replace dead vegetation with healthy, living plantings.

(5) *Reflective surfaces.* No development subject to these provisions may have exterior walls with a reflectivity value in excess of 36%, as measured under the applicable provisions of ASTM-C-1036. No reflective surfaces may be used on street level exterior facades.

(6) *Urban open spaces.* On parcels of ten acres or more, open spaces for public congregation and recreational opportunities are required for non-residential developments and shall be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. All urban open spaces shall comply with the minimum required design standards of this subchapter.

(a) *Urban open space size.* Buildings shall be provided with public open space behind the required setback and on private property on the basis of five square feet of urban open space per 100 square feet of gross floor area. A maximum of 30% of this required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all other requirements of these provisions.

(b) *Accessibility to the street.* Urban open space shall be designed so that it is accessible to and visible from the street.

(c) *Trees.* Within the open space area(s), one tree shall be planted for each 500 square feet. Trees shall have a minimum caliper of three to three and one-half inches measured six inches above ground at the time of planting.

(d) *Amenities.* The following amenities are permitted within an urban open space area: ornamental fountains, stairways, seating, waterfalls, sculptures, arbors, trellises, plant beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, and similar structures.

(e) *Maintenance.* The building owner, lessee, management entity or authorized agent are jointly and severally responsible for the maintenance of the urban open space area including litter control and care and the replacement of trees and shrubs, as required herein.

(f) *Utilities.* All utilities service lines and connections shall be underground.

(g) *Exceptions for single-family and two-family residences.* Single-family and two-family residential dwellings shall not be required to comply with the streetscape design regulations contained herein.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed 6-2-14; Am. Ord. passed 10-5-15; Am. Ord. passed 2-1-16; Am. Ord. passed - -)

§ 152.023 C-2 SECONDARY COMMERCIAL.

The C-2 Secondary Commercial Zoning District Classification is established to provide for general commercial activities, for those uses requiring easy vehicular access, circulation and parking, and larger lot areas than found in the C-1 Commercial District described above. This district promotes a broad range of commercial operations and services necessary for the operation of the town and surrounding areas. Light manufacturing is allowed, but heavy manufacturing is not.

(A) *Dimensional requirements.*

Minimum lot/parcel size (sq. ft.): 8,000

Minimum lot size, two-family (sq. ft.): 12,000

Minimum setbacks (feet): front: 10

side: 10

rear: 10

Maximum building height (feet): 65

Maximum gross floor area (sq. ft.): 30,000

30,000 plus structures requires a SUP

Minimum open space (% of site): 10 (Not applicable to single-family and two-family residences.)

(B) *Permitted uses.* The following uses are permitted by right in the C-2 Secondary Commercial Zoning District Classification provided they meet all requirements of this section and all other requirements established in this subchapter. A use followed by the notation (SR) is permitted subject to special requirements contained in §§ 152.120 - 152.123, below.

(1) All permitted uses listed in the C-1 Central Commercial Zoning District Classification, subject to special requirements if noted.

(2) Animal boarding facilities (SR).

(3) Animal hospitals and clinics.

(4) Assisted living facilities(SR).

(5) Automobile car washes.

(6) Automobile sales and service.

(7) Bus stations.

(8) Communication services.

(9) Construction trade facilities.

(10) Farm and construction equipment sales and service.

(11) Golf courses.

(12) Golf driving ranges (SR).

(13) Greenhouse and plant nurseries.

(14) Indoor shooting ranges (SUP).

(15) Laundries, coin-operated.

(16) Lawn and garden centers.

(17) Manufacturing facilities, light.

- (18) Medical clinics less than 10,000 square feet.
- (19) Microbreweries.
- (20) Mini-warehouses (SR).
- (21) Multi-family dwellings and apartments of ten or more units (SUP).
- (22) PCD Planned Commercial Development (SUP).
- (23) PRD Planned Residential Development (SUP).
- (24) Recreational facilities, outdoor.
- (25) Residences, multi-family dwelling and apartments fewer than ten units.
- (26) RV Parks.
- (27) Shelter facilities (SR).
- (28) Tobacco sales, vape shops.
- (29) U.S. Post Office and parcel delivery services.
- (30) Vehicle repair.
- (31) Wholesale sales, distribution and warehousing.

(C) *Prohibited uses.* No non-residential development or redevelopment exceeding 30,000 square feet in gross floor area shall be permitted in the C-2 Secondary Commercial Zoning District Classification. Unless a special use permit has been approved by the Board of Adjustment.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed 3-3-14; Am. Ord. passed 6-2-14; Am. Ord. passed - -)

§ 152.024 C-3 HIGHWAY COMMERCIAL.

The C-3 Highway Commercial Zoning District Classification is established to provide areas accommodating all uses stated in the C-2 Secondary Commercial District above plus the following: uses requiring ready access to a thoroughfare, uses requiring larger parcels for larger buildings, sales lots, storage, and parking. Residential and service uses are explicitly allowed.

(A) *Dimensional requirements.*

Minimum lot/parcel size (sq. ft.): 15,000

Minimum lot size, two-family (sq. ft.): 22,500

Minimum setbacks (feet): front: 10

side: 10

rear: 10

Maximum building height (feet): 65

Maximum gross floor area (sq. ft.): 30,000

30,000 plus structures requires a SUP

Minimum open space (% of site): 10 (not applicable to single-family and two-family residences.)

(B) *Permitted uses.* The following uses are permitted by right in the C-3 Highway Commercial Zoning District Classification provided they meet all requirements of this section and all other requirements established in this chapter. A use followed by the notation (SR) is permitted subject to special requirements contained in §§ 152.120 - 152.123, below.

(1) All permitted uses listed in the C-2 Secondary Commercial Zoning District Classification, subject to special requirements if noted.

- (2) Electronic machines and devices for sweepstakes.
- (3) Sales of manufactured homes and recreational vehicles.
- (4) Sawmills, Lumber yards, Mulch Grinding SR.
- (5) Vehicle sales with lot areas in excess of one acre.

(C) *Prohibited uses.* No non-residential development or redevelopment exceeding 30,000 square feet in gross floor area shall be permitted in the C-3 Highway Commercial Zoning District Classification. Unless a special use permit has been approved by the Board of Adjustment.

(Ord. passed 10-1-07; Am. Ord. passed 5-6-13; Am. Ord. passed - -)

§ 152.025 I-1 INDUSTRIAL.

The I-1 Industrial District is established to provide for areas that recognize both existing and future manufacturing operations. This classification allows all uses as described above for C-3 Highway Commercial, plus medium to heavy manufacturing operations. These districts and uses must be located so as to have direct access to or within close proximity to a thoroughfare.

(A) Dimensional requirements.

Minimum lot/parcel size: one acre

Minimum setbacks (feet): front: 30

side: 20

rear: 20

Maximum building height (feet): 65

Maximum gross floor area (sq. ft.): 50,000

50,000 plus structures requires a SUP

Minimum open space (% of site): 10 (not applicable to single-family and two-family residences.)

(B) *Permitted uses.* The following uses are permitted by right in the I-1 Industrial Zoning District Classification provided they meet all requirements of this section and all other requirements established in this chapter. A use followed by the notation (SR) is permitted subject to special requirements contained in §§ 152.120 - 152.123, below.

(1) All permitted uses listed in the C-3 Highway Commercial Zoning District Classification, subject to special requirements if noted.

(2) Adult establishments, subject to requirements contained in Chapter 156, Town Code.

(3) Asphalt manufacturing.

(4) Concrete manufacturing.

(5) Governmental facilities.

(6) Landfills.

(7) Manufacturing facilities, heavy.

(8) Public utility operations.

(9) Recycling and garbage disposal centers.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed - -)

§ 152.026 NMU NEIGHBORHOOD MIXED USE.

The Neighborhood Mixed Use Zoning District Classification is primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business and service activities in close proximity to major residential neighborhoods. The district is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key intersections leading to residential neighborhoods in order to provide services to the residents of that particular neighborhood. The types of uses allowed and the standards established for development in this district should be compatible with the residential character of the area, and the uses should not cause traffic congestion, cause obnoxious noise, dust, odors, fire hazards or lighting objectionable to surrounding residences, nor visually detract from the overall appearance of the neighborhood.

(A) Dimensional requirements.

Minimum lot/parcel size (sq. ft.): 8,000

Minimum lot size, two-family (sq. ft.): 12,000

Minimum setbacks (feet): front: 10

side: 10

rear: 10

Maximum building height (feet): 25

Maximum footprint (sq. ft.): 15,000

Minimum open space (% of site): 20 (not applicable to single-family and two-family residences.)

(B) *Permitted uses.* The following uses are permitted by right in the NMU Neighborhood Mixed Use Zoning District

Classification provided they meet all requirements of this section and all other requirements established in this chapter. A use followed by the notation (SR) is permitted subject to special requirements contained in §§ 152.120 - 152.123, below.

- (1) All permitted uses listed in the R-1 Residential Zoning District Classification, subject to special requirements if noted.
- (2) Grocery and convenience stores without petroleum dispensing, subject to the requirement that such stores shall not operate prior to 7:00 a.m. nor later than 9:00 p.m.
- (3) Music and art studios and galleries.
- (4) Newspaper offices and printing establishments.
- (5) Offices, financial, governmental, medical, and professional.
- (6) Restaurants, limited (SR).
- (7) Retail sales.
- (8) Services, personal.
- (9) Tasting room.

(C) *Prohibited uses.* No non-residential development or redevelopment exceeding 15,000 square feet in gross floor area shall be permitted in the NMU Neighborhood Mixed Use Zoning District Classification. Unless a special use permit has been approved by the Board of Adjustment.

(D) *Design and appearance standards.* All development regulated by this chapter within the Neighborhood Mixed Use District shall conform to the following design and appearance standards.

(1) *Outdoor lighting.* Outdoor lighting fixtures shall be designed and located so as to prevent light from shining directly on vehicular traffic or adjoining property.

(2) *Landscaping.* A minimum of 20% of the lot area, excluding paved or unpaved parking areas, shall be reserved and developed only for landscaping. The landscaping may include existing vegetation. The property owner shall be responsible for the maintenance of the landscaping and the replacement of all dead plant material. Street trees shall be incorporated in the landscaping for property abutting public rights-of-way. The trees shall be deciduous and be maintained, and all dead materials shall be replaced by the next growing season.

(3) *Design.* All new construction and renovation within an NMU Neighborhood Mixed Use District is encouraged to conform to the following standards:

- (a) Where possible, the project should use indigenous materials of the region, including stone and wood;
- (b) Buildings, structures and grounds shall be designed using materials, finishes and proportions in a manner which will produce a coordinated appearance with adjacent properties.
- (4) *Off-street parking.* Adequate off-street parking in accordance with § 152.095, herein, shall be provided.
- (5) *Signage.* Signs shall be in compliance with the Residential District sign regulations contained in the Town of Franklin Sign Regulations.
- (6) *Storage.* Any establishment operating in this district shall maintain and/or store all equipment or goods related to the business within principal buildings.
- (7) *Drive-through service.* No development shall provide drive-in or drive-through service.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. 2019-001, passed 2-4-19; Am. Ord. passed - -)

§ 152.027 MICR MEDICAL INSTITUTIONAL CULTURAL RESIDENTIAL.

The MICR Medical Institutional Cultural Residential District is to establish and provide for a mix of medical, institutional, cultural and residential uses, while maintaining compatibility with surrounding uses of land.

(A) *Dimensional requirements.*

Minimum lot/parcel size (sq. ft.): 8,000

Minimum lot size, two-family (sq. ft.): 12,000

Minimum setbacks (feet): front: 10

side: 10

rear: 10

Maximum building height (feet): 65

Maximum gross floor area (sq. ft.): 30,000

30,000 plus structures requires a SUP

Minimum open space (% of site): 10 (not applicable to single-family and two-family residences.)

(B) *Permitted uses.* The following uses are permitted by right in the MICR Medical Institutional Cultural Residential Zoning District Classification provided they meet all requirements of this section and all other requirements established in this chapter. A use followed by the notation (SR) is permitted subject to special requirements contained in §§ 152.120 - 152.123, below.

(1) All permitted uses listed in the R-1 Residential Zoning District Classification, subject to special requirements if noted.

(2) Assisted living facilities (SR).

(3) Civic centers and cultural art facilities.

(4) Community colleges.

(5) Funeral homes and crematoria Hospitals and clinics.

(6) Mobile food vending (SR).

(7) Music and art studios and galleries.

(8) Offices, professional, governmental and financial.

(9) Parking lots and garages.

(10) Restaurants (SR).

(11) Retail sales, medically-oriented.

(12) Schools business, technical and vocational.

(13) Services, personal.

(C) *Prohibited uses.* No non-residential development or redevelopment exceeding 30,000 square feet in gross floor area shall be permitted in the MICR Medical Institutional Cultural Residential Zoning District Classification. Unless a special use permit has been approved by the Board of Adjustment.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed 10-5-15; Am. Ord. passed - -)

§ 152.028 EC ENTRY CORRIDOR OVERLAY.

This zoning district classification is established to provide development standards for particular roadway corridor areas which are in addition to those provided by the other zoning districts established by this chapter. The purpose for establishing this entry corridor overlay district is first, to recognize the importance that different roadway corridors play in defining the town's character as entryways and, second, to protect and preserve both the aesthetics of these important roadways and their traffic-handling capabilities, thereby contributing to the general welfare of the Town of Franklin.

(A) *Dimensional requirements.* Same as for the underlying district(s).

(B) *Permitted uses.* Same as for the underlying district(s).

(C) *Special uses.* Same as for the underlying district(s).

(D) *Prohibited uses.* Same as for the underlying district(s).

(E) *Development standards.* Dimensional requirements and all other development standards shall be the same as for underlying zoning district(s) except as modified herein.

(1) *Setbacks.* Setbacks shall be the same as for the underlying zoning district; provided, however, one or more principal structures may be authorized within the setback under the following circumstances:

(a) Such principal structure(s) is not situated within 10 feet of the projected right-of-way line of an entry corridor roadway;

(b) Parking for the site is placed to the side or rear of such structure(s) so that it is screened from view from the entry corridor by means of such structure(s) and landscaping, as necessary.

(c) When siting principal structures within the setback, the developer is encouraged to design the site, including any proposed structures, in such a way as to protect and preserve the aesthetics of the entry corridor, thereby furthering the purpose of this section.

(2) *Thoroughfare protection.* No improvements other than driveways, sidewalks, parking and landscaping shall be permitted within the limits of projected rights-of-way as specified in the Official Thoroughfare Plan.

(3) *Driveways.* Driveways serving a development parcel shall be permitted in accordance with the standards of the NCDOT; provided, however, a development parcel shall be limited to no more than two driveways on any road and no more

than three driveways total. Additional driveways may be permitted when they are necessary to improve traffic movement, increase sight distances or for other safety reasons. Developers are encouraged to share parking areas and driveways with adjoining developments. No landscaping or structures of any kind shall be required or allowed to be placed near the intersections of driveways and streets that would impede safe vision of traffic.

(4) *Outdoor storage.* Outdoor storage shall be screened from view so that it is not visible from a roadway or adjacent properties. Provided, however, this section shall not apply to the outdoor display of goods for sale.

(5) *Lighting.* Lighting for the site shall be designed and installed so that it is directed away from the roadway and any adjacent properties and does not interfere with the safe use of public rights-of-way.

(6) *Signs.* Signs shall be governed by the regulations contained in the sign regulations of the town except as modified below:

(a) *Outdoor advertising signs.* Outdoor advertising signs, commonly known as billboards, are prohibited.

(b) *Freestanding signs.* Each development parcel may include no more than one freestanding sign, which shall not exceed 70 square feet in size and 18 feet in height, measured from street grade, for each thoroughfare on which the site has driveway access. For purposes of this subsection, a development parcel shall include all out parcels associated with shopping centers and other multiple-business development sites.

(c) *Business identification signs.* Each business on a development parcel shall be entitled to install one or more business identification signs on the premises where the business is located so long as the total amount of such signage does not exceed one square foot for each linear foot of the front facade for that business, or 250 square feet, whichever is less. Such signs may be placed on the front wall of the business or on awnings, canopies or marquees attached to or closely associated with such facade. Any additional facade which has a door designed and used for public access may contain a business identification sign so long as the total amount of such signage does not exceed one square foot for each three linear feet of such facade frontage for that business, or 250 square feet, whichever is less. Also, in shopping centers, one suspended sign may be incorporated per business, which sign shall not exceed three square feet per face per sign.

(7) *Parking.* In consideration of the goals of this section and the increased landscaping requirements contained herein, the off-street parking requirements contained in § 152.093(E) may be reduced, at the discretion of the developer, by up to 20%.

(8) *Street trees.*

(a) Street trees shall be required at the rate of one large-maturing tree (35 feet in height) for every 50 linear feet of property abutting a street, or one small-maturing tree (25 feet in height) for every 40 linear feet of property abutting a street if overhead utility lines are present. Trees do not need to be spaced evenly. They may be clustered with a minimum spacing of 15 feet and a maximum spacing of 75 feet. Street trees shall be placed in a planting strip on private property and not within the street right-of-way.

(b) No street tree can be planted farther than 35 feet from the edge of the right-of-way to count as a street tree. The width of the planting strip may vary, but the minimum width cannot be less than seven feet and the average width shall be at least ten feet. The planting area must be covered with living material, including ground cover and/or shrubs, except for mulched areas directly around trees and shrubs, so that no soil is exposed. When a sidewalk is proposed to be constructed on a development site and right-of-way configuration requires that it be constructed on the developer's property, the width of the planting strip may be reduced to an average of seven feet. During the development review process, the approving authority for the town may permit minor deviations in the placement of trees in order to avoid conflict with utility structures and utility lines.

(c) Existing vegetation on a development parcel may count toward meeting the requirements of this section when such is in good condition and helps to further the purpose of the district.

(9) *Exceptions.*

(a) Single-family and two-family residential dwellings shall be required to comply with the provisions of (E)(1) through (E)(4), above, but they shall not be required to comply with the remaining regulations of the EC Entry Corridor Overlay Zoning Classification.

(b) Small lots, defined as lots with less than 100 feet of frontage on an entry corridor roadway or with less than 100 feet of depth, may have site constraints which make strict compliance with the regulations contained in this section a hardship. In such cases, the approving authority for the town may approve deviations from such regulations so long as the plans of development are consistent with the goals and objectives stated herein.

(Ord. passed 10-1-07)

§ 152.029 UV URBAN VILLAGE.

The UV Urban Village Zoning District Classification is intended to create mixed use development that is economically vital, pedestrian-oriented and contributes to the place-making character of the built environment. This classification offers the unique opportunity to provide quality and long-lasting retail, office and residential uses in an organized layout that encourages the full range of access by patrons and users, and offers innovative high-quality design of structures, public amenities and pedestrian facilities. The development and design standards set forth in this section are intended to

accomplish the following purposes:

(A) Provide safe and convenient access to shopping and other essential services to pedestrians, bicyclists, transit riders, motorists, and persons with disabilities.

(B) Provide effective traffic flow through access management and improved internal and external connectivity.

(C) Create a built environment that serves to enhance gateway corridors, preserve historic heritage, promote economic development and an improved tax base for the city, and celebrate Franklin's distinction from other towns and cities.

(D) Promote sustainable use of limited land and investment resources through the following means:

- (1) Encouraging higher building densities;
- (2) Allowing efficient shared parking areas, making cost effective use of existing infrastructure;
- (3) Showcasing innovative high-quality development;
- (4) Providing adaptive reuse of under-performing retail properties;
- (5) Ensuring multi-modal transportation access;
- (6) Ensuring internal and external connectedness;
- (7) Developing a durable framework of infrastructure and built structures that can accommodate future renovations; and
- (8) Re-establishing the public realm, civic pride, and sense of community ownership in new developments.

(E) *Procedure.* The reclassification of property to UV Urban Village shall constitute an amendment of the zoning map which may be initiated only by the owner(s) of a legal interest in the affected property, any person(s) having an interest in the property by reason of a contract with the owner(s), or an agent authorized in writing to act on behalf of the owner(s).

(1) *Pre-application conference.* Every person proposing to apply for creation of a UV Urban Village District is required to meet with the Planning Director prior to the submittal of such application. This conference is intended to provide the applicant with an opportunity to discuss requirements, standards and procedures and to identify and solve potential problems for the proposed application. The applicant shall bring a sketch plan for the project showing, at a minimum, the location, the existing and proposed transportation network, phasing, general development plans and a written synopsis of the development proposal. The pre-application conference shall take place at least one week prior to submitting of an application to create an Urban Village District.

(2) *Application.* Creation of an urban village district shall be initiated by means of an application for rezoning to a UV Urban Village District.

(3) *Master plan.*

(a) Applicants for creation of an urban village district project are required to submit a master plan for the entire development that indicates the following:

1. The general street network;
2. The proposed land use configuration within that network;
3. Phasing boundaries if phasing is proposed;
4. The ultimate proposed development intensity (including the number of residential units and gross square footage of all nonresidential uses) for the entire development and for each phase;
5. A conceptual landscape plan;
6. Proposed setback, height, signage, architectural and other design standards for the overall project and for proposed uses;
7. Building elevations or perspective drawings to demonstrate proposed building character; and
8. A conceptual stormwater plan for the development.

(b) For initiation of this zoning classification, properties may fall under more than one ownership so long as there exist covenants or other legally binding agreements that address cross-access, cross-parking and other similar issues affecting joint operation of the projects.

(c) *Traffic impact analysis.* A traffic impact analysis is required for all urban village projects and shall be submitted with the application to create the urban village.

(d) *Subsequent review.* After the establishment of the urban village district, individual development projects within the district shall be subject to development plan review in accordance with §§ 152.050 - 152.062. In addition to the development plan requirements contained in §§ 152.050 - 152.062, applicants shall comply with the design submittal requirements contained herein.

(e) *Modifications.* Revisions to approved urban village district master plans may be approved by Town Council or by

the Town Manager, or his or her designee, depending on the type of revisions being requested. The Town Council shall review any revisions to a master plan that increase the overall development intensity, change the proposed mix of uses by increasing or reducing any use category by 10% or more, or increases maximum building heights from that shown on the approved master plan. Additionally, the Town Council shall review any revision to a master plan that results in a decrease in the amount of perimeter open space or perimeter parking lot buffering, or in a 25% or greater reduction in the number of proposed blocks from that shown on the approved master plan. For the purpose of determining overall development intensity, one residential unit shall be regarded as the equivalent of 500 square feet of office floor area; one residential unit shall be regarded as the equivalent of 200 square feet of commercial floor area; and 1,000 square feet of office space shall be regarded as the equivalent of 350 square feet of commercial. For other uses, the Planning Director shall determine the equivalency factor.

(F) *Permitted uses.* Unlike other planned development districts, the application for a special use permit for an urban village district is not required to specify intended uses other than the amount of retail or office space and the number of residential dwelling units. The applicant may, however, choose to limit such uses, to impose restrictions on those which are allowed, and to have such limitations and restrictions incorporated into the special use permit issued for the development. Unless limited as noted above, the following uses are permitted by right in the UV Urban Village Zoning District Classification, provided they meet all requirements of this section and all other relevant requirements of this chapter.

- (1) Accessory dwelling units (SR).
- (2) Accessory uses and structures.
- (3) Adult day care centers registered with the NC Department of Human Resources.
- (4) Adult day care homes.
- (5) Animal hospitals and clinics as long as they contain no outdoor kennels.
- (6) Banks and other financial institutions.
- (7) Bed and breakfast facilities.
- (8) Brewpubs.
- (9) Business services.
- (10) Child care centers (SR).
- (11) Child care homes.
- (12) Civic clubs and fraternal organizations (SR).
- (13) Cultural arts buildings.
- (14) Dance, health and fitness facilities.
- (15) Dry cleaning and laundry establishments containing less than 6,000 sq. ft. of floor area.
- (16) Funeral homes.
- (17) Governmental buildings.
- (18) Home occupations (SR).
- (19) Hotels and motels.
- (20) Laundries, coin-operated.
- (21) Lawn and garden centers.
- (22) Live/work or mixed use buildings in which any of the business uses described in this subsection occur on the first floor and residential uses occur on upper floors.
- (23) Minor planned residential developments, subject to the requirements of §§152.050 - 152.062.
- (24) Mobile food vending (SR).
- (25) Multi-family dwellings and apartments three to nine units.
- (26) Multi-family dwellings and apartments ten-plus units.
- (27) Music and art studios.
- (28) Neighborhood community centers.
- (29) Newspaper offices and printing establishments.
- (30) Offices, business, professional and public.
- (31) Parking lots and parking garages.

- (32) Parks.
- (33) Personal services.
- (34) Places of worship.
- (35) Public utility facilities (SR).
- (36) Recreational facilities, indoors.
- (37) Repair services, miscellaneous.
- (38) Residential dwellings, single family.
- (39) Residential dwellings, multi-family.
- (40) Residential dwellings, two-family.
- (41) Restaurants.
- (42) Retail stores (not including automobile, manufactured home, farm equipment, gasoline, and boat and heavy equipment sales).
- (43) Schools, business, technical and vocational.
- (44) Schools, elementary and secondary.
- (45) Signs.
- (46) Tasting rooms.
- (47) Theaters, indoors or outdoors but not including drive-in theaters.

(G) *Development standards.* Some development standards for the UV Urban Village District are specified in this chapter. Where no standard is specified, it is incumbent upon the applicant to propose development standards which, if the Town Council concurs, will be incorporated into the project. The following standards shall apply to development within the UV Urban Village Zoning District Classification.

(1) *Density.* Residential density for an urban village district shall be established by the Town Council in consideration of surrounding land uses and the existence of adequate public facilities. The maximum density which may be approved shall not be otherwise limited except by other standards such as building height, parking, landscaping and buffering, open space, and traffic impact.

(2) *Structure size.* The maximum size of any structure shall be established by the Town Council in the special use permit for the project.

(3) *Area.* The minimum area required to establish an urban village district is three acres.

(4) *Lot size.* There is no minimum lot size required for an urban village district; although, the applicant may specify minimum standards in its development document.

(5) *Lot width.* There is no minimum lot width required.

(6) *Setbacks.* There are no minimum setback requirements within the Urban Village Zoning District Classification; provided, however, setbacks shall be established around the perimeter of the district sufficient to protect adjoining properties from the impacts of proposed development within the district.

(7) *Height.* There are no maximum height restrictions. The applicant shall propose minimum and maximum height restrictions for all building types and locations.

(8) *Design considerations.* Design is critical to the creation of an Urban Village District and to achieving the goals of this classification. The design considerations set forth in this section are intended in some instances to guide project design and in others to provide specific design requirements, and the text is intended to make this distinction clear. In general, the use of the term "shall" indicates a specific design requirement, whereas the term "should" indicates design guidance. In order to obtain a special use permit to develop an Urban Village, an applicant must demonstrate, among other things, that the design of the proposed development (1) meets the specific standards contained herein, (2) is generally in harmony with the design guidelines contained herein, and (3) will result in a development which is consistent with the purposes set forth herein.

(a) *General site arrangement.* Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but are not limited to, the removal of lateral support on adjacent property, the creation of hazard, nuisance, danger, or inconvenience, or unreasonable loss of privacy. Development shall be arranged so as to be visually harmonious within the district. Insofar as is practicable, developments should be arranged so as to preserve or enhance vistas. Urban villages shall be oriented around one or more significant public spaces, such as parks or plazas.

(b) *Physical integration of uses.* All urban villages shall be designed and developed to provide an appropriate interrelationship between the various uses and structures within the development. Residential and commercial uses may be located within the same or adjoining structures.

(c) *Preservation of natural features and open space.* Permitted flexibility in lot sizes, setbacks, street alignments and widths, and landscaping shall be utilized to preserve natural features and drainage patterns and to provide open space.

(d) *Architectural character.* The rich architectural vocabulary of the Town of Franklin presents a wide variety of development opportunities using traditional forms while avoiding any perception of monotony. Each building proposed for an urban village district shall have a well-proportioned form consistent with the building use, and its construction materials. Materials shall be durable, attractive and compatible with the architectural vernacular of the region. Massing of the building(s) shall create a building envelope that reflects simple, clearly articulated building volumes.

(e) *Building orientation.* It is preferred that primary facades face the adjacent street or significant public space. Apartment buildings and buildings containing commercial or institutional uses shall have a main entrance facing a connecting walkway with a direct, safe, pedestrian connection to the street. Where the main entrance does not face the adjacent street, buildings shall nonetheless be designed to provide an attractive streetside facade.

(f) *Building placement.* Buildings shall be situated with regard to pedestrian and vehicular connectivity. Apartment buildings and buildings containing commercial or institutional uses should be located close to the pedestrian street with off-street parking behind and/or beside the building. Important mountain vistas and/or views of significant historic sites should be protected and accentuated.

(g) *Privacy considerations.* Elements of the development plan should be arranged to maximize the opportunity for privacy by the residents of the project and minimize infringement on the privacy of adjoining land uses.

(h) *Architectural details.* Architectural elements like openings, details, bulkheads, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the applicant is encouraged to provide a building entry, additional building mass, and distinctive architectural elements at the corner of buildings. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned wherever practical. The appearance of all exposed facades (not just the streetside facade) is important and shall be addressed in development design.

(i) *Building walls.* Buildings shall avoid long, monotonous, uninterrupted walls or roof planes on their visible facades. It is preferred that this design goal be achieved by means of building wall offsets, including projections, recesses, and changes in floor level, and roofline offsets. Such offsets add architectural interest and variety and can assist in creating human size proportions. Parapets shall be designed as integral to the mass of the building. When multiple wall materials are combined on one facade, the designer is encouraged to place the heavier material(s) below.

(j) *Building entrances.* All buildings should include well-defined entrances facing the street at regular intervals. An operable entrance on each primary facade should be provided to encourage access by pedestrians. For buildings on corner lots, an entrance may be placed at the corner, thereby eliminating the need for side entrances.

(k) *Internal access and connectivity.* The site shall be traversed by a network of internal streets built according to city standards. Internal streets should seek to avoid cul-de-sacs and dead end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection must be provided to ensure the goals of connectivity. In addition, internal streets are also required to have sidewalks and street trees. If a bus line serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by traffic impact analysis. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the urban village should be created where possible. Only one driveway per block face is allowed. Detached single-family housing and duplex housing are exempt from the driveway restriction. Parking access from alleyways, however, is encouraged.

(l) *Block length.* Block length may vary but shall not exceed 500 feet in length. For blocks on local streets that are 350 feet or longer, a mid-block pedestrian street crossing is required which may also include a parking lot driveway and/or pedestrian passageway between two or more buildings, and shall have curb extensions (bulb-outs) for ease and safety of pedestrian street crossing. Collector streets may also require mid-block pedestrian crossings as noted above.

(m) *Pedestrian zone and sidewalks.* The pedestrian zone is the area between the street curb and the building edge or, for access roads, the street curb and the right-of-way area. The pedestrian zone includes sidewalks, street trees and other pedestrian amenities. The pedestrian zone will generally be 15 feet wide but may be wider depending on the setback pattern. Sidewalks in urban village districts shall be required along one side of access streets and both sides of internal streets throughout the development. If appropriate to the design of the village, greenway paths may be substituted for sidewalks in residential areas to provide connections. The sidewalk shall be a minimum of seven feet wide in the Urban Village Zoning District Classification. In solely residential areas containing less than eight units per acres, sidewalks are only required to be five feet wide. With institutional and public uses that have an increased setback, a sidewalk shall connect the building facade entrance with the street. The sidewalk may be as wide as the entire pedestrian area. Arcades, awnings, outdoor dining, shelters, seating areas, fountains, street trees, additional landscaped areas and other pedestrian amenities may be a part of this pedestrian area so long as seven feet of clear walking space is maintained. The pedestrian area may also be used to create an area for waiting, pick-up and drop-off. At locations such as intersections and other crosswalks, curb extensions (bulb-outs) are required to create safer pedestrian crossings.

(n) *Parking/loading standards.* Parking and loading facilities shall be reviewed at the master plan level. The applicant shall demonstrate that the amount of parking proposed is adequate to serve the needs of the district and is located and designed in such a fashion that it does not detract from the overall appearance of the district or unreasonably interfere with pedestrian activity.

1. *Amount of parking.* Owing to the possibilities for shared use of parking, the number of parking spaces in the urban village district should not exceed the minimum parking requirements for the district computed by means of the formulas contained in (D)(8)(n)3.

2. *On-street parking.* On-street parking is required for all local streets and for collector streets and shall count toward meeting parking needs for the district. On-street parking may take the form of parallel or angle parking and shall be built according to city standards.

3. *Off-street parking.* Applicants for rezoning to the UV Urban Village Zoning District Classification shall propose a master parking plan which shall provide sufficient parking for the entire project consistent with requirements of this section. Off-street parking lots are encouraged to be provided at the side or rear of buildings or the interior of a block of buildings and not closer to the street than the edge profile of the structures. No more than 20% of parking that is provided in an urban village district may be in the form of stand-alone surface lots not located to the side or rear of buildings. Off-street parking shall not be adjacent to street intersections. No parking is permitted in any setback area. Individual uses in the urban village district are not required to provide off-street parking or loading.

4. *Loading standards.* Urban village districts may share off-street loading facilities and are therefore allowed to provide these facilities at half the rate listed for the applicable uses. On-street loading spaces may be counted towards the project loading requirements.

(o) *Street trees.* Street trees are required in the pedestrian zone and along access roads at an average of one tree every 30 feet for mid-story and under-story trees, and one tree for every 40 feet for canopy trees. In selecting street trees, priority should be given to long-lived species proven to function well in urban settings with a form and branching pattern compatible with the space and type of adjacent traffic. Trees may be planted in minimum six-foot by six-foot pits. Tree frames and grates are not required but are recommended especially near store entrances, other sidewalk constraints, points of ingress, egress or public gathering areas. If tree grates are not used, an organic surfacing material shall be used to level the surface of the tree pit with the sidewalk. This material shall receive regular maintenance. To offer flexibility in the tree planting requirement, trees may be planted in planting strips adjacent to the curb edge of the sidewalk. Planting strips shall be no narrower than six feet wide. Planting strips may include grass, flowers and other plant material where appropriate. Planting strips may not be appropriate in pedestrian gathering areas.

(p) *Landscape/buffering standards.* Landscaping and buffering shall be in accordance with §§152.170 - 152.179 except as noted herein. Parking lots shall include interior and perimeter tree plantings made up of deciduous trees at a rate of one tree for every 1,500 square feet of vehicular use area. No parking space may be farther than 45 feet from a tree. No shrubs are required for interior plantings for parking lots that are behind, to the side or located at the interior of the block of buildings. Parking areas adjacent to roadways require buffering from the street as specified in §§ 152.170 - 152.179 with the exception that the planting area will be eight feet wide. Stand-alone parking lots shall comply with all applicable landscape and buffering standards except that trees shall be provided at a rate of one tree for every 1,500 square feet of parking and parking spaces shall be no further than 45 feet from a tree. Shrubs are also required as per the regular schedule. Landscaped islands within parking lots should be a minimum of 162 square feet in area with a minimum width of eight feet if they are to include tree plantings. Residential structures within an urban village may have up to a 100% reduction in buffering requirements from the rest of the urban village. Buffering for urban village district projects is measured and reviewed from the parcel lot lines used to establish the district and not on an internal lot by lot basis.

(q) *Open space standards.* Functional open space enhances circulation within a site and contributes to the site's aesthetic qualities. All open space should be designed to be accessible and usable for occupants and invitees of the development. An urban village district shall have an open space ratio of not less than 0.30. Open space includes any portion of the site not covered by a building or vehicular use area and any common space meeting the standards listed in the subsection below.

(r) *Common space standards.* Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects. Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces. Unless interior common space is approved by the reviewing authority, common space shall be out-of-doors. Common space design shall comply with the following:

1. *Size.* At least 10% of the acreage of a site shall be devoted to common space. Common space shall count toward meeting open space requirements for a project.

2. *Trees.* One tree shall be planted for each 500 square feet of common space. Trees shall have a minimum caliper of three to three and one-half inches measured six inches above ground at the time of planting.

3. *Utilities.* All utilities service lines and connections shall be underground.

4. *Seating.* Seating shall be provided to accommodate workers, residents, and/or shoppers. Seating may be accomplished in whole or in part using planters or other similar structures.

5. *Amenities.* Common space for a development shall include two or more of the following amenities: ornamental fountains, stairways, waterfalls, public art, arbors, trellises, planted beds, drinking fountains, clock pedestals, public telephones, awnings, canopies, informational kiosks, and similar structures.

(s) *Stormwater treatment.* Applicants shall propose, install and maintain a stormwater treatment system for the district which, at a minimum, meets the requirements contained in §§ 152.190 - 152.199. Applicants are encouraged to utilize best management practices, such as green roofs, stormwater gardens, and the like, to develop a system which treats stormwater efficiently and effectively, and which does not detract from the appearance of the district.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed 6-2-14; Am. Ord. passed 10-5-15; Am. Ord. passed 2-1-16; Am. Ord. passed - -)

§ 152.030 TN TRADITIONAL NEIGHBORHOOD OVERLAY.

(A) (1) The Traditional Neighborhood Overlay Zoning District Classification is primarily intended to allow the development of residentially zoned areas as traditional neighborhood developments ("TNDs") exhibiting the characteristics of TNDs appropriate to their urban context. Thus, the application of this overlay should result in a development utilizing elements appropriate for its relationship to the surrounding and nearby uses and oriented to pedestrians. Pedestrian orientation should be achieved using, among other techniques, the following:

(a) By providing safe walking conditions which can be achieved through: the reduction of street widths and turning ratios from those conventionally utilized, encouraging parking along streets in order to slow traffic and protect pedestrians, providing mostly alley access to uses to reduce vehicular/pedestrian conflicts and bringing dwellings closer to the street;

(b) By providing walking destinations within the typical range of pedestrians in the form of civic buildings and spaces such as parks and limited commercial areas meeting residents' daily needs; and

(c) By providing enjoyable walking environments, by reducing the amount of parking in the fronts of sites and providing for a streetscape appropriate in scale and design for pedestrian use.

(2) The types of uses allowed and the standards established for development in this zoning classification should be compatible with the residential character of the area, and the uses should not cause traffic congestion, obnoxious noise, dust, odors, fire hazards or lighting objectionable to surrounding residences, nor visually detract from the overall appearance of the neighborhood.

(B) *Application of overlay zone.*

(1) *Area.* In order to achieve the desired intent of the overlay, it shall not be applied to any area less than 20 acres in size unless the applicant can show that the area surrounding the proposed area of application, when taken into account with the proposed area of application, meets the intent of these overlay regulations.

(2) *Density bonus.* When an area qualifies for designation as a Traditional Neighborhood Overlay Zone, then it shall be entitled to residential density equal to the density of the underlying zone plus 75% if it is within one-half mile walking distance of a business district or 25% if it is not. Commercial uses, including their required on-site parking, shall not exceed 20% of the project area.

(3) *Densities.* The specific residential and commercial densities of the TN zoning district shall be set forth in the regulating plan and neighborhood code submitted as part of the application for the approval of application of the Overlay Zone. The regulating plan shall be a conceptual plan providing for the general location of civic, commercial and residential uses, as well as thoroughways, alleys and any other significant features of the proposed project. The neighborhood code shall set forth the design and architectural regulations of the project, including without limitation:

(a) The amount of residential and commercial use allowed in the project;

(b) The types of residential, commercial, mixed-use and civic buildings and uses permitted;

(c) The types and dimensions of streets and thoroughfares, together with their turning ratios, sight triangles, parking, street tree and lighting configurations;

(d) The dimensions of permitted buildings, their lot sizes, setbacks, building lines and heights;

(e) Any intrusions permitted in required yards;

(f) The location of required parking areas according to building types as well as landscape and signage elements of the project; and

(g) The architectural standards to be applied within the project.

(4) *Controls.* Subject to any specific standards and limitations set forth in these Traditional Neighborhood Overlay regulations, the approved provisions of the regulating plan and the neighborhood code (to the extent they address the criteria described in this section shall control the project in lieu of the regulations set forth in this chapter).

(5) *Approval.* The provisions of this Overlay Zone shall apply only when specifically approved for a specific property by the Town Council.

(C) *Use regulations.*

(1) In areas subject to the Traditional Neighborhood Overlay Regulations, no building or land shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this chapter except for the following uses and only when complying with all sections of this chapter, including definitions:

(a) Any use permitted in the R-1 Zoning District Classification shall be permitted in the TN Traditional Neighborhood Overlay Zoning District Classifications.

(b) Offices, financial, including banks, governmental, and professional.

(c) Art studios and galleries, craft, antique and book shops.

(d) Services, personal, business, and repair.

(e) Retail sales, including convenience stores without petroleum dispensing.

(f) Live/work or mixed use buildings in which any of the business uses described above occur on the first floor and residential uses occur on upper floors.

(g) Accessory uses and/or structures.

(2) Commercial establishments within this Overlay Zone shall not open to the public before 7:00 a.m. nor remain open to the public after 10:00 p.m. daily. Any establishment operating in this Overlay Zone shall maintain and/or store all equipment or goods related to the business within the principal building except for displays in the front yard or sidewalk that do not interfere with the flow of sidewalk traffic nor endanger the public.

(D) *Dimensional requirements.*

(1) Minimum front yard requirement - 0 feet. The minimum front yard setback from any street shall be measured from the nearest edge of the right-of-way.

(2) Minimum rear yard requirement - 0 feet.

(3) Minimum side yard requirements - two side yards totaling at least ten feet with one side not less than five feet and no buildings closer than ten feet. On all corner lots, the side yard adjacent to the street shall be adequately sized to allow for appropriate traffic sight triangles.

(4) Maximum building height - the greater of three stories (not to exceed 14 feet each, with space within one story able to intrude through other stories) together with a roof of reasonable proportions and an elevation of not more than four feet before the first floor or 35 feet.

(5) Minimum lot size - none.

(6) Setbacks for commercial use properties adjoining residential uses not subject to this Overlay Zone shall provide for a minimum of a ten-foot setback along any side abutting a Residential District in which is located a buffer strip as defined in § 152.175.

(E) *Design and appearance standards.* All development subject to the Overlay Zone shall conform to the following design and appearance standards.

(1) *Outdoor lighting.* Outdoor lighting fixtures other than street lights shall be designed and located so as to prevent material quantities of light from shining directly on vehicular traffic or adjoining property. Lighting shall generally be downward directed or shielded to help protect the night sky.

(2) *Landscaping.* A minimum of 20% of the lot area, excluding paved or unpaved parking areas, shall be reserved and developed only for yard, landscaping, plaza, courtyard patio or similar uses. The landscaping may include existing vegetation. The property owner shall be responsible for the maintenance of the landscaping and the replacement of all dead plant material. Street trees shall be incorporated in the landscaping for property abutting public rights-of-way. The trees shall be deciduous and be maintained, and all dead materials shall be replaced by the next growing season.

(3) *Design.* All new construction and renovation within this Overlay Zone is encouraged to conform to the following standards: where possible, the project should use indigenous materials of the region, including stone and wood. Buildings, structures and grounds shall be designed using materials, finishes and proportions in a manner that will produce a coordinated appearance with adjacent properties.

(4) *Off-street parking.* Adequate off-street parking shall be provided. Residential uses shall meet the same requirements as provided in § 152.093. Business uses shall provide at least one space for each employee, plus one parking space per 200 square feet of business or office floor space. In determining whether a use meets the parking requirements set forth herein, any parking space located along the street and contiguous to the lot of such use may be counted toward the satisfaction of such use's parking requirements up to one half of such requirements. Spaces that straddle property lines shall count toward the lot fronting the majority of the space unless this would render the other lot without street parking.

(5) *Signage.* Signs shall be in compliance with the Town of Franklin Sign Regulations (Chapter 155) except that commercial uses with their parking behind their building shall be allowed twice the area of signage normally allowed provided not more than one-half of the signage is located at the rear of the building and designed and positioned only to be seen from such parking area. Commercial uses shall be allowed to use the signage permitted for non-residential uses in residential developments, provided that the dimensions of the free-standing sign permitted herein shall be added to those permitted in attached signs and may be utilized in attached signs (perpendicular or parallel to the building) or awning signs. Free-standing, detached signs are not allowed in the Overlay Zone. Temporary sandwich board signs advertising restaurant menus are permitted in the Overlay Zone immediately in front of the restaurant served thereby, provided that they do not interfere with use of the sidewalk nor endanger the public.

(F) *Additional standards.*

(1) *Access.* Alleys can provide the principal means of access to lots fronting streets as well as lots fronting mews or courtyards, provided the mews or courtyard has not less than 20 feet of street frontage.

(2) *Buffers.* No buffers shall be required between commercial and residential properties within the Overlay Zone.

(3) *Roadways.* Street and thoroughfare layout, width and design shall be as approved in the Regulating Plan and Neighborhood Code, provided that where compliance with NCDOT regulations is required for acceptance of a public road by NCDOT and such road is intended to be so dedicated, then such road will be constructed to standards of NCDOT applicable to traditional neighborhood development and to the extent permitted by law will recognize the equal or primary role of the pedestrian.

(4) *Easements.* Easements for utilities for projects within the Overlay Zone shall be located in alleys and within the street right-of-way where practicable and shall be the minimum width practicable for safe and appropriate installation, service, and replacement thereof.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08)

§ 152.031 PRD PLANNED RESIDENTIAL DEVELOPMENT.

This classification is designed to accommodate planned residential developments for which a special use permit has been issued in accordance with § 152.053 herein. Such special use permit is required as a prerequisite to any use or development in the PRD Classification, and no use shall be permitted except pursuant to such permit. Such permit shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the special use permit for a planned residential district, the Town Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

(A) *Application.* The reclassification of property to PRD Planned Residential Development District, or to the C2 Secondary Commercial Zoning District or C3 Highway Commercial Zoning District for purposes of developing a major planned residential development shall be initiated only by the owner(s) of a legal interest in the affected property, any person(s) having an interest in the property by reason of a written contract with the owner(s), or an agent authorized in writing to act on behalf of the owner(s).

(B) *Permissible uses, subject to issuance of a special use permit.* Uses notated with an “*” are minor.

- (1) Accessory uses and/or structures.*
- (2) Accessory dwelling units (SR).*
- (3) Adult day care centers registered with the NC Department of Health and Human Services Adult day care homes.
- (4) Agriculture.*
- (5) Cemeteries.*
- (6) Child care homes.
- (7) Child day care centers (SR).
- (8) Golf courses.
- (9) Golf driving ranges.
- (10) Home occupations (SR).*
- (11) Manufactured homes.
- (12) Parks.*
- (13) Places of worship.*
- (14) Planned residential developments (major).
- (15) Public utility facilities (SR).
- (16) Residential dwellings, multi-family.*
- (17) Residential dwellings, single-family.*
- (18) Residential dwellings, two-family.*
- (19) Schools, elementary and secondary.

(C) *Site requirements.* Planned residential development shall have the following site requirements: (1) the total land area of the district shall be at least three acres; and (2) access to the planned residential development shall be by means of a

thoroughfare (major or minor) designated as such on the current Franklin Thoroughfare Plan. Alternatively, access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the planned residential development will not result in a significant increase in traffic on any such street.

(D) *Density*. The density for a planned residential development shall be established by the Town Council in consideration of surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. Unless a planned residential development qualifies for a density bonus as provided in division (E) below, the density authorized for the district shall not exceed ten units per acre.

(E) *Density bonus*. One or more density bonuses, over and above the maximum density specified in division (D) above, may be approved by the Town Council only upon determining that the proposed planned residential development complies with the general considerations listed therein, as well as the following additional considerations:

(1) *Affordable housing bonus*. A density bonus of four dwelling units per acre may be awarded provided that such additional dwelling units shall be affordable housing as defined by the North Carolina Housing Authority.

(2) *Walkability bonus*. A density bonus of four dwelling units per acre may be awarded for developments which are situated within reasonable walking distance of places of employment and/or shopping facilities and which provide pedestrian amenities in order to foster pedestrian access to such facilities.

(F) *Development standards*. Except as modified herein, all uses and structures in the PRD Zoning District Classification shall meet the development standards for planned residential developments contained in § 152.057, below.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed 3-3-14; Am. Ord. passed - -)

§ 152.032 PCD PLANNED COMMERCIAL DEVELOPMENT.

This classification is designed to accommodate the development of shopping centers and retail establishments larger than 30,000 square feet of floor area or which contain commercial uses which are proposed to be developed in conjunction with residential uses. A special use permit, issued in accordance with § 152.053, below, is required as a prerequisite to any use or development in a PCD District, and no use shall be permitted except pursuant to such permit. Such permit shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the special use permit for a planned commercial development district, the Town Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

(A) *Application*. The reclassification of property to PCD Planned Commercial Development shall be initiated only by the owner(s) of a legal interest in the affected property, any person(s) having an interest in the property by reason of a written contract with the owner(s), or an agent authorized in writing to act on behalf of the owner(s). No land development permit shall be issued for any development within a PCD Planned Commercial Development except in accordance with an approved special use permit.

(B) *Permissible uses*. A building or land shall be used only for those purposes specified in the special use permit for the project which may include one or more of the following:

- (1) Accessory uses and structures.
- (2) Adult day care centers registered with the NC Department of Health and Human Services.
- (3) Animal boarding facilities.
- (4) Assisted living facilities.
- (5) Automobile car washes.
- (6) Automobile sales and service establishments.
- (7) Banks and other financial institutions.
- (8) Bed and breakfast facilities.
- (9) Brewpubs.
- (10) Business services.
- (11) Child care center (SR).
- (12) Civic clubs and fraternal organizations.
- (13) Construction trades facilities.
- (14) Dance, health and fitness facilities.
- (15) Dry cleaning and laundry establishments.

- (16) Farm and construction equipment sales and service.
- (17) Food processing establishments.
- (18) Funeral homes and crematoria.
- (19) Golf courses.
- (20) Golf driving ranges.
- (21) Home occupations (SR).
- (22) Hotels and motels.
- (23) Laundries, coin-operated.
- (24) Manufactured homes and recreational vehicle sales.
- (25) Mini-warehouses.
- (26) Mobile food vending (SR).
- (27) Music, art studios and galleries.
- (28) Newspaper offices and printing establishments.
- (29) Offices, business, financial, including banks, governmental, and professional.
- (30) Parking lots and parking garages.
- (31) Parks, public, including greenways.
- (32) Personal services.
- (33) Places of worship.
- (34) Planned residential developments.
- (35) Public utility facilities (SR).
- (36) Recreational facilities, indoors.
- (37) Recreational facilities, outdoors, commercial.
- (38) Repair services, miscellaneous.
- (39) Residential dwellings, single-family, two-family and multi-family.
- (40) Restaurants.
- (41) Restaurants, drive-in.
- (42) Retail sales.
- (43) RV Parks.
- (44) Service stations.
- (45) Signs
- (46) Tasting rooms.
- (47) Wholesale sales, distribution and warehousing.

(C) Development requirements. Primary vehicular access for a PCD Planned Commercial Development shall be by means of a major or minor thoroughfare designated as such on the current City Thoroughfare Plan. Alternatively, access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the development will not result in a significant increase in traffic on any such street.

(D) Development standards. All uses and structures in the PCD Classification shall meet the following development standards:

(1) *Setbacks.* All buildings and structures shall be set back not less than 40 feet from the nearest right-of-way line for any street adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 25 feet from any exterior property line, which is not contiguous with a street or other right-of-way.

(2) *Parking, driveways, and loading areas.* Off-street parking, driveways, and loading areas shall be provided as required in §§ 152.090 - 152.105, below, and shall be paved according to the specifications of the NCDOT.

(3) *Buffering and landscaping.* The applicant shall propose, plant, construct, and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed

development. Such buffers, at a minimum, shall meet the requirements of §§ 152.170 - 152.179. Any part of the project area not used for buildings or other structures, loading and access ways shall be left in a natural state or landscaped with grass, trees, and shrubs.

(4) *Building height.* The maximum height of any building in the district shall be 48 feet.

(5) *Circulation and access.* Streets, drives and parking areas in a planned commercial development shall provide safe and convenient access to appropriate project facilities. Sidewalks shall be included to provide a logical, safe, and convenient system for pedestrian access to appropriate project facilities. Greenways or pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate. Sidewalks meeting the town's sidewalk standards shall be provided along all public streets and roads in accordance with §§ 152.090 - 152.105.

(6) *Density.* The density for a residential development planned as part of a PCD Planned Commercial Development district shall be established by the Town Council in consideration of surrounding land uses and the existence of adequate private and public facilities, including, without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. A planned commercial development may qualify for a density bonus in the manner specified in § 152.039(E). Otherwise, the density authorized for the district shall not exceed ten units per acre.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed 6-2-14; Am. Ord. passed 10-5-15; Am. Ord. passed 2-1-16; Am. Ord. passed - -)

§ 152.033 PMH PLANNED MANUFACTURED HOUSING DEVELOPMENT.

This classification is designed to accommodate planned manufactured housing developments for which a special use permit has been issued in accordance with § 152.053, herein. Such special use permit is required as a prerequisite to any use or development in the PMH, and no use shall be permitted except pursuant to such permit. Such permit shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the special use permit for a planned manufactured housing district, the Town Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

(A) *Application.* The reclassification of property to PMH Planned Manufactured Housing shall be initiated only by the owner(s) of a legal interest in the affected property, any person(s) having an interest in the property by reason of a written contract with the owner(s), or an agent authorized in writing to act on behalf of the owner(s). No permit shall be issued for any development within a PMH Planned Manufactured Housing except in accordance with an approved special use permit. In addition to the requirements for a planned development application contained in §§ 152.120 - 152.123, the application for a special use permit for a planned manufactured housing district shall contain a site plan depicting the location and dimensions of all proposed manufactured home sites.

(B) *Permissible uses,* a building or land shall be used only for those purposes specified for the project which may include the following:

(1) Accessory uses and structures.

(2) Adult day care centers registered with the NC Department of Human Resources.

(3) Adult day care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling.

(4) Child care centers (SR).

(5) Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling.

(6) Home occupations (SR).

(7) Manufactured homes.

(8) Mobile homes.

(9) Parks, public, including greenways.

(10) Places of worship.

(11) Public utility structures (SR).

(C) *Development requirements.* A planned manufactured housing shall be at least three acres in area and shall not exceed 15 acres in area. Any development containing 26 or more sites shall have primary vehicular access to the development by means of a subcollector classification or larger street designated in § 152.098. Primary vehicular access for a planned manufactured housing development of 25 units or less shall be by means of a local classification or larger street as designated in § 152.098. Alternatively, access may be provided by means of streets other than local or subcollector classification when it is clearly demonstrated that the development will not result in a significant increase in traffic on any such street.

(D) *Development standards.* All uses and structures in a PMH shall meet the following development standards:

- (1) *Lot size.* Each manufactured home shall occupy a designated space having at least 4,000 square feet, with a width of at least 40 feet, exclusive of common driveways. No more than one home may be erected or installed on one space.
- (2) *Streets.* Each manufactured home space shall abut a street within the park. Said streets shall be graded and surfaced with not less than four inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of 25 feet, exclusive of required parking spaces. Internal streets and circulation patterns shall be adequate to handle the traffic to be generated by the development.
- (3) *Parking.* One off-street parking space with not less than four inches of crushed stone or other suitable material, on a well compacted sub-base, shall be provided for each manufactured home space. The required parking space may be included within the 4,000 square foot minimum lot size for a manufactured home.
- (4) *Recreation space.* At least 8% of the total area of a planned manufactured housing district shall be devoted and developed to recreational use by the residents of the district. Such use may include space for community buildings, gardens, outdoor play areas, swimming pools, ball courts, etc.
- (5) *Interior setbacks.* Any structure shall be located at least 20 feet from any internal street and at least ten feet from any adjacent space within the district; provided, however, that these interior setbacks shall not apply to storage or other auxiliary structures for the exclusive of a manufactured home.
- (6) *Exterior setbacks.* No manufactured home shall be located closer than 30 feet to the exterior boundary of the district or abutting street right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than 40 feet to the exterior boundary or the right-of-way of an abutting street.
- (7) *Density.* The overall density of homes within the district shall not exceed eight units per acre.
- (8) *Utilities.* Each lot or space shall be equipped with electricity, drinking water, and wastewater disposal facilities.
- (9) *Foundations, patios and walkways.* Each home shall be placed on a permanent stand in accordance with standards set by the North Carolina Department of Insurance. Each home shall have an area on site for provision of a permanent patio or deck adjacent or attached to the permanent stand of at least 180 square feet. A walkway shall be constructed for each lot or space to connect parking spaces to the manufactured home entrance. An attached structure such as an awning, cabana, storage building, carport, windbreak, or porch, which has a floor area larger than 25 square feet and is roofed shall be considered part of the stand for purposes of all setback requirements. The area beneath a home must be fully enclosed with durable skirting within 60 days of placement in the district. As a minimum, such skirting must be a product designed and sold for use as skirting or as approved by the Zoning Administrator.
- (10) *Buffers.* The applicant shall propose, plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development. Such buffers shall, at a minimum, meet the requirements of §§ 152.170 - 152.179, below.
- (11) *Structure height.* No structure in a PMH Planned Manufactured Housing shall exceed 35 feet in height.

(Ord. passed 10-1-07; Am. Ord. passed 10-20-08; Am. Ord. passed - -)

§ 152.034 CONDITIONAL ZONING DEFINITIONS.

(A) *Purpose.* For each general use zoning district, this section authorizes the creation of parallel conditional zoning districts that have the same requirements as the general use district, as modified by one or more site-specific conditions. The conditional zoning district classification allows the Town Council to consider proposed uses and tailor the zoning to accommodate those uses while addressing anticipated problems that may arise from the establishment of the proposed uses. This section sets forth the types of conditional zoning districts and explains their relationship to the general use districts.

(1) *District.* Each general use district shall have a corresponding conditional zoning district and shall be indicated on the official zoning map by the initials "CZ" behind the associated base zoning district designation.

<i>District</i>		<i>Classification</i>
<i>District</i>		<i>Classification</i>
R-1 (CZ)	Conditional Zoning Residential District	Residential
R-2 (CZ)	Conditional Zoning Residential District	Residential
NMU (CZ)	Conditional Zoning Neighborhood Mix Use District	Mixed Use
MICR (CZ)	Conditional Zoning Medical Institutional Cultural Residential District	Mixed Use
UV (CZ)	Conditional Zoning Urban Village	Mixed Use
C-1 (CZ)	Conditional Zoning Central Commercial	Commercial

C-2 (CZ)	Conditional Zoning Secondary Commercial District	Commercial
C-3 (CZ)	Conditional Zoning Highway Commercial District	Commercial
I-1 (CZ)	Conditional Zoning Industrial District	Industrial

(2) *Applicability.* Due to their size and level of activity, major developments are expected to have a significant impact on public services and infrastructure and need to be managed for the benefit of the neighborhood or town as a whole. Approval of any major development within the town's planning jurisdiction requires rezoning to one of the conditional districts below. For purposes of this section, **MAJOR DEVELOPMENT** is defined as a residential development or common plan of development containing 20 or more dwelling units, or a commercial or industrial development, or common plan of development, containing more than 15,000 square feet of interior floor space. The conditional zoning review process established by this section shall be required prior to permitting any major development within the town's planning jurisdiction, regardless of present zoning district.

(B) *Fee.* A fee shall be paid to the town for a conditional rezoning to cover the costs of advertising and other administrative expenses. The fee shall be set by a resolution of the Town Council.

(C) *Pre-application conference.* It is recommended that any person desiring to use or develop land pursuant to a conditional rezoning schedule a pre-application conference with the Land Use Administrator to become familiar with the conditional rezoning process and to identify and correct, if possible, potential problem areas with a development concept. Submittals for a pre-application meeting include a location map and a sketch plan of the project, including property boundaries, building footprints, parking, driveways, entrance locations, and such other information which may be requested by the Land Use Administrator.

(D) *Application.* Applications for a conditional rezoning shall be made to the Land Use Administrator on forms prescribed by the Land Use Administrator. The application must be signed by all owners of the property to be included.

(1) *Contents.* Applications shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner(s) in connection with the application. If the applicant is other than the record owner of the property, the consent of the record owner to the application shall be noted on the application or in some other fashion acceptable to the Land Use Administrator. The application shall also designate an agent for the project to whom notice may be given by the town. The Land Use Administrator shall prescribe any other material that may reasonably be required to determine compliance with this subchapter, with sufficient copies for necessary referrals and records.

(2) *Conceptual plan.* To facilitate the discussion during the neighborhood compatibility meeting required by division (E), the applicant shall submit to the Land Use Administrator, as a part of the application for a conditional rezoning, a conceptual plan showing how development is proposed for the site. The conceptual plan shall show the location and boundaries of the property and how individual buildings are to be situated on the site, including distances from these buildings to property lines, as well as proposed drives and parking. The locations of signs and outdoor lighting shall also be shown where appropriate. Proposed restrictive covenants, if available, shall also be presented. The conceptual plan need not be exactly to scale; although, all distances and dimensions shall be shown.

(E) *Neighborhood compatibility meeting.* This subchapter provides a process whereby affected property owners, residents and developers have an opportunity to participate in a dialogue as to how development is to be integrated into their neighborhoods. This is accomplished by a neighborhood compatibility meeting to be facilitated by the Land Use Administrator or his or her designee within 21 days of receipt of a complete application, including the required fee and conceptual plan.

(1) *Notification of participants.* At least ten calendar days prior to the meeting, notice of the meeting shall be given in the following fashion.

(a) The developer shall be informed of the meeting by mail. Failure of the developer, or his or her authorized agent, to attend this meeting shall lead to an automatic annulment of the application.

(b) Property owners within 400 feet of any property line of the proposed sites shall be informed of the meeting by mail.

(c) All other persons shall be informed of the meeting by a conspicuously placed standardized on-site sign.

(2) *The developer's presentation.* During the neighborhood compatibility meeting the developer shall explain to the affected property owners the proposed use for the site. The presentation shall include the developer's position on the compatibility of the project. It is always the developer's responsibility to propose a compatible project.

(3) *Relevant topics to be discussed.* Following the developer's presentation, affected property owners and residents shall be permitted time to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented, not the question of whether the site should be developed or its use changed.

(4) *Result of neighborhood compatibility meeting.* Following the exchange of views between the developer and affected property owners/residents, the Land Use Administrator shall review orally the points voiced during the informal compatibility meeting. Included in the review shall be proposals or counter-proposals to which both parties have agreed in an effort to make the project compatible, as well as those points where disagreement still exists. Upon conclusion of the review, the

Land Use Administrator shall ask those assembled if the positions presented represent an accurate consensus of the opinions expressed by the developer and affected property owners/residents. When they do, the meeting shall be concluded and the Land Use Administrator shall record the opinions in the Land Use Administrator's report. The Land Use Administrator's report shall become a part of the application file.

(F) *Preliminary development plan and completeness review.*

(1) Upon completion of the neighborhood compatibility meeting, it shall be the responsibility of the applicant to submit a preliminary development plan meeting the requirements of division (F)(3), below. The Land Use Administrator shall cause the application to be reviewed for completeness and shall notify the developer in writing if the application is incomplete, specifying what additional information is needed in order for the application to be deemed complete.

(2) It shall then be incumbent upon the applicant either to provide the additional information requested by the Land Use Administrator or, if he or she believes providing the requested information is unreasonably burdensome, to notify the Land Use Administrator in writing that he or she declines to provide the information requested. Upon receipt of all requested information or, in the alternative, written notice from the applicant that no further information will be provided, the Land Use Administrator shall refer copies of the proposal to such other representatives of the town and to such other agencies or officials as may be appropriate to determine if it conforms to the provisions of this chapter and to such other regulations applicable in the case. Alternatively, the Land Use Administrator may determine that the incompleteness of the application renders it out of compliance with the requirements of this chapter and that therefore it will not receive further consideration by the town. The Land Use Administrator shall notify the applicant of this decision in writing. The Land Use Administrator's determination that an application is incomplete may be appealed to the Board of Adjustment pursuant to § 152.075.

(3) Contents of preliminary development plan.

(a) The preliminary development plan for projects undergoing special use review shall show the following:

1. The date of the development plan or submittal, including any revisions thereto.
2. The proposed title of the project and the name of the engineer, architect, landscape architect, planner and/or licensed surveyor; developer; and owner of record.
3. The north arrow point, scale at not greater than one-inch equals 40 feet and such information as the names of adjacent roads, streams, railroads, subdivisions or other landmarks sufficient to clearly identify the location of the property.
4. Location of site by an insert vicinity map at a scale no less than one-inch equals 2,000 feet.
5. Existing project zoning and zoning of adjacent property, to include properties abutting either side of a public right-of-way.
6. Town limits line, and/or extraterritorial jurisdiction boundary, or a note indicating that the project site and any adjoining parcels are totally within or without the town limits.
7. Names of adjacent property owners.
8. Boundary survey of site and the location of all existing easements, buildings, rights-of-way or other encroachments.
9. Location of 100-year floodplain and floodway, if applicable. Other significant natural features affecting the site including but not limited to wetlands, major rock outcrops and lakes or streams.
10. The proposed transportation network for the project including, but not limited to, the following.
 - a. All proposed streets, clearly identified as public or private, with proposed names, pavement widths and rights-of-way;
 - b. Sight distances for all entrances and exits and their relationship to street and driveway intersections within a 200-foot radius of the intersection of such entrance and exit with any public right-of-way;
 - c. All alleys, driveways, and curb cuts for public streets (provided further that, whenever any alley, driveway or curb cut will intersect with a public sidewalk and/or street maintained by the town, the development plan submitted shall include a form approved by the town's Public Works Director, demonstrating compliance with applicable regulations, including without limitation the North Carolina Department of Transportation Driveway Manual);
 - d. All handicap ramps;
 - e. Off-street loading and unloading areas;
 - f. Provisions for off-street parking spaces including calculations indicating the number of parking spaces required and the number provided;
 - g. Typical cross-sections of public or private streets; and
 - h. Pedestrian and bicycle facilities.
11. Preliminary utility layout, including design plans for location of the following.
 - a. Water mains, sanitary sewers, and functional fire protection systems to be installed prior to final plan approval,

in accordance with adopted town policies and the town's Standard Specifications and Details Manual.

b. All utility or other pipes, wiring, conduits, cables, and fixtures, including but not limited to electrical, gas, telephone and telecommunications lines, fiberoptic cables and the like. All such lines shall be installed underground, except for transmission lines with a voltage of 11SkV or greater or in situations where such placement is prohibited by law, or where such requirement is relieved by a variance.

c. Easements to be provided to the town for utility activities which shall include but not be limited to improving, upgrading, removing, inspecting, replacing, repairing, maintaining, using, and operating such pipelines, laterals, interceptors, mains, manholes, conduits, facilities, and related appurtenances as may be necessary or convenient for the receipt, conveyance, transmission, and distribution of water, reclaimed water, and/or wastewater and for access thereto. Where necessary, easements shall be centered along or adjacent to lot lines to the greatest extent practicable. Easements shall be sized in accordance with the town's Standard Specifications and Details Manual. No structures or other improvements shall be placed within any town utility easement. Ground covers or grasses may be planted within an easement. No trees or shrubbery of any size shall be placed within any town utility easement because of the need for access by utility maintenance personnel and line damage that tree and shrub roots can cause. Any improvements installed within the easement area are subject to disturbance or damage, and may be removed by the town. All permitted and special uses shall be connected to and served by public water and sanitary sewer services.

d. Where connection to public water and sanitary sewer systems is required, such systems shall be constructed to town standards, sizes, and specifications and dedicated to the town for operation and maintenance, thus allowing for the orderly expansion of the town, its water and sanitary sewer systems, and fire protection services, which protect the health of the town's citizens and environment.

e. Nothing in this section shall be interpreted as requiring the town to maintain individual service lines for water and sanitary sewer beyond their point of connection to the town's systems, which shall be and remain the responsibility of the property owner pursuant to town policy.

f. The requirements of this division may be relaxed, provided that the application is for one or more land use activities for which relaxed submittal requirements may be permitted by the Land Use Administrator pursuant to § 152.052(A).

12. Location and size of all existing and proposed entrances and exits to the site.

13. Proposed reservations or dedications for parks, playgrounds, school sites and open spaces and a note indicating ownership and maintenance provisions.

14. A survey showing tree line before site preparation with typical species and average diameter of trees indicated.

15. Preliminary landscape plan indicating screening, buffering, street trees, and typical ornamental plantings.

16. Any garbage disposal facilities must be located on the side or rear and screened.

17. General location and intended use of all buildings with their dimensions, the number of floors, total floor area and maximum height above lowest ground point of each building. If several models of units are being offered for sale and the type of unit at each building location is not known, then a general outline of the unit to be constructed may be shown at the building location.

18. Notations to include the total project area, proposed lot areas (or individual areas to be owned by a homeowners association), the amount and percentage of the site to be covered by buildings, open space, streets and parking and other facilities.

19. General location, size, height, orientation and appearance of proposed signs.

20. General location of proposed project phasing lines and notation including special conditions pertinent to establishing sales or model units, if applicable.

21. A traffic impact analysis, if one is required by the terms of this chapter demonstrating the project will comply with the requirements of § 152.105, below.

22. Elevations of all facades, including existing structures to remain, drawn to a reasonable scale which shall be not less than 1/8-inch equals one foot. Plans shall designate proposed materials and colors of architectural features.

(b) The Land Use Administrator has the authority to waive any application requirement where the type of use or the scale of the project makes providing that information unnecessary or impractical. The Land Use Administrator or Town Council may request additional information from the applicant where such is necessary to enable a fully-informed decision on the matter.

(4) *Completeness review.* Upon receipt of a preliminary development plan, the Land Use Administrator shall cause the application to be reviewed for completeness and shall notify the applicant in writing if the application is incomplete, specifying what additional information is needed in order for the application to be deemed complete. It shall then be incumbent upon the applicant either to provide the additional information requested by the Land Use Administrator or, if he or she believes providing the requested information is unreasonably burdensome, to notify the Land Use Administrator in writing that he or she declines to provide the information requested. Upon receipt of all requested information or, in the alternative, written notice from the applicant that no further information will be provided, the Land Use Administrator shall

refer copies of the proposal to such other representatives as may be appropriate to determine if it conforms to the provisions of this chapter and to such other regulations applicable in the matter. Alternatively, the Land Use Administrator may determine that the incompleteness of the application renders it out of compliance with the requirements of this chapter and that therefore it will not receive further consideration by the town. The Land Use Administrator shall notify the applicant of this decision in writing. The Land Use Administrator's determination that an application is incomplete may be appealed to the Board of Adjustment pursuant to § 152.075.

(G) *Processing of application.* On the completion date the application will then be scheduled for the next Planning Board meeting that is at least 24 days in the future. Substantial modification of the application subsequent to the complete date may result in the application being deferred to a subsequent meeting of the Planning Board. Any material modification of the application within seven days prior to the Planning Board meeting shall result in deferral of the application to the next available meeting. For purposes of this section, the application shall include the preliminary or conceptual development plan, as the case may be.

(H) *Review and approval.* Conditional zoning applications are intended for development proposals that are ready to proceed from plan approval to construction in a timely manner. As a result, each project must include a site plan that meets the requirements listed in this section, as modified by any site-specific conditions, as well as any other plans, drawings, renderings, elevations, maps, and documents specifically included as development documents for approval.

(1) *Formal staff review.* Town staff shall review the development plan to identify issues with the proposed development and determine compliance with the requirements of this chapter. Town staff will provide detailed comments to the applicable reviewing board regarding issues identified and recommend any needed changes to the development plan to bring it into compliance with the requirements of this chapter and/or other legal requirements.

(2) *Public hearing.* The conditional zoning district rezoning approval decision is a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district rezoning decisions. The conditional zoning application shall be considered and treated as a zoning map amendment. In considering any petition for a conditional zoning district rezoning, the town shall follow all of the procedures set forth in the zoning map amendment. The Town Council shall conduct a public hearing on the application. Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation once a week for two successive weeks with the first notice to be published not less than ten nor more than 25 days prior to the date of the hearing. Similar notice shall also be mailed to the owner of the property which is the subject of the application and the owners of all parcels of land situated within 400 feet of any of the boundaries of the subject parcel. Ownership shall be determined by reference to the Macon County tax listing.

(I) *Final action.* Upon completion of the hearing required in division (K), the Town Council shall act on the application based on the findings of fact contained herein. Action on the application shall be one of the following: (1) approval; (2) approval subject to conditions; or (3) denial. The Land Use Administrator shall notify the applicant of the Council's decision in writing. If the application is approved with agreed upon conditions, the Land Use Administrator shall issue the necessary conditional rezoning in accordance with the action of Council. The conditional rezoning, including all conditions attached thereto, shall run with the land and shall be binding on the original applicant as well as all successors.

(J) Follow the process of § 152.163.

(K) *Effect of approval.*

(1) If a petition is approved under this section, the conditional district that is established, the approved petition, and all conditions which may have been attached to the approval, are binding on the property as an amendment to this chapter and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional rezoning, including the conceptual or preliminary development plan, and all conditions attached to the approval, unless such approval shall lapse or the property is rezoned.

(2) If a petition is approved, the petitioner shall comply with all requirements established for obtaining a land development permit, a building permit and certificate of occupancy. Only those uses and structures indicated in the approved petition and development plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and development plan.

(L) *Final development plans.* Final development plans shall be reviewed by the Land Use Administrator to ensure conformance with the requirements set forth in § 152.052(E). Final development plans shall include any modifications agreed to as conditions of issuance of the conditional rezoning as well as a list of any conditions and a list of any uses as stipulated in the conditional rezoning.

(M) *Issuance of land development permit.* A conditional rezoning does not authorize development; rather, it approves a development concept for a particular property. In order to develop the property in accordance with the conditional rezoning, a land development permit is required. A land development permit shall be issued upon certification by the Land Use Administrator that he or she has received a final development plan demonstrating compliance with the preliminary or conceptual development plan, as well as all terms and conditions of the conditional rezoning.

(Ord. 2023-008, passed 12-4-23)