

MEMO

To: Elected and appointed officials of the Town of Yadkinville, citizens, developers, and other stakeholders

From: Erin S. Burris, AICP

Date: August 28, 2018

RE: Summary of Major Changes to Development Regulations

In December of 2017, Benchmark Planning began working with Town staff and the Town's Long-Range Planning Committee to review and update regulations pertaining to development. The Town opted to combine all development ordinances into one cohesive document. The Yadkinville Development Ordinance (YDO) is intended to replace the current Zoning, Subdivision, and Flood Damage Prevention Ordinances. These ordinances will be removed from the Town's Code of Ordinances (Chapters 3, 4, and 5 of Title 9) and the new YDO will be adopted by reference into the Code of Ordinances. The intent of this is to make the regulations and standards more user-friendly, cohesive, and provide the ability to include more explanation and detail through the use of photos, illustrations, and diagrams.

COMPREHENSIVE PLAN IMPLEMENTATION

The ordinance update is also intended to implement several of the strategies of the adopted Comprehensive Plan including:

CC2. Improve building and site design standards for new and expanding development to enhance and be compatible with surrounding development. Improve sign regulations for commercial development to reduce visual clutter and enhance rather than detract from the built environment.

CC4. Work with existing developments to update and retrofit outdated buildings and sites with improved facades and landscaping.

LU1. Utilize the Future Land Use Map to encourage development that is compatible with surrounding development and available infrastructure and services while discouraging the over development of environmentally sensitive areas.

LU2. Focus new development, redevelopment, and infill development in areas with existing infrastructure instead of fringe areas.

LU3. Promote additional infill residential development to support existing and future commercial development.

LU4. Encourage a mix of housing types within the community to accommodate residents in different stages of life.

LU5. Encourage the revitalization and reuse of currently unused or underutilized structures and sites.

LU6. Establish open space requirements for new residential developments, placing emphasis on primary and secondary conservation areas, and allow conservation development as an option to cluster residential units in order to encourage the preservation of open space.

DT1. Adopt building maintenance codes and active storefront requirements to help improve the upkeep and appearance of Downtown. Work with the Arts Council to feature local artwork in vacant storefronts to reduce the appearance of vacancy.

DT2. Adopt infill building design standards for new or expanding buildings to compliment the scale, rhythm, and materials of exemplary existing buildings.

TR5. Pursue access management and aesthetic improvements through reduced curb cuts, streetyard landscaping requirements, and inter-parcel connectivity while utilizing the NCDOT Aesthetic Guidance Pattern Book.

TR6. Look for opportunities to increase connectivity and continue the Town's street grid through infill development.

FORMATTING CHANGES

Organization

The proposed ordinance is simplified and organized into seven articles with an appendix for definitions.

- Article 1: Purpose and Authority
- Article 2: Administration, Procedures and Enforcement
- Article 3: Zoning Districts & Uses
- Article 4: Development Standards
- Article 5: Building Design Standards
- Article 6: Sign Standards
- Article 7: Nonconformities
- Appendix A: Definitions

The organization is based on the following questions typically asked by citizens or developers:

1. Why are there development regulations and under what authority is the Town administering these regulations?
2. How do I get something approved?
3. What is my property zoned and what uses are allowed on it?
4. What development standards apply to my project?
5. What does my building need to look like?
6. What type of signage can I have?
7. What do I do if my property does not currently meet these regulations?
8. What does this term mean?

Numbering System Hierarchy

A hierarchical numbering system is utilized for user-friendliness. To further enhance this numbering system, the pages have headers with the chapter numbers and titles and footers with page numbers that include the chapter number. For example:

Article 3: Zoning Districts
Section 3.1 Base Zoning Districts
3.1.1 Rural Residential District
3.1.2 Medium Density Residential District
3-1

Flow Charts

Flow charts and step-by-step lists of how to take a development through the approval process have been provided.

Tables, Photos, Illustrations, and Diagrams

Detailed standards have been placed into tables and/or are described with photos, illustrations, and diagrams for clarity.

SUMMARY OF CHANGES BY ARTICLE

Article 1: Purpose and Authority

This Article provides information regarding the purpose of the Yadkinville Development Ordinance and the statutory authority under which it is adopted and administered. Below are the major changes proposed in this article:

- **Section 1.5.2:** A reference has been added for NC General Statute 160A-360, which exempts bona fide farm uses within the extraterritorial jurisdiction (ETJ) from zoning regulation.
- **Section 1.7:** A reference has been added for NC General Statute 160A-383 to check any amendments consistency with the Town's Comprehensive Plan.
- **Section 1.8:** A reference has been added for NC General Statute 160A-385.1 regarding vested rights and for 160A-400 regarding development agreements.
- **Section 1.9:** The Town Board of Commissioners will be asked to set the effective date of the ordinance upon adoption.

Article 2: Administration, Procedures and Enforcement

This Article sets forth the structure of how the ordinance is administered and enforced and the procedures under which development is reviewed and approved. Below are the major changes proposed in this article:

- **Section 2.1.2:** A Technical Review Committee (TRC) has been created so that representatives from relevant agencies can assist the Administrator in determining if the requirements of the Ordinance and any other applicable local, state, and federal requirements are being met. Formalizing this committee will expedite development review process.
- **Section 2.1.3 and 2.1.4:** The Town Board of Commissioners will need to decide whether or not to impose term limits for the Planning Board and Board of Adjustment. The Town Board of Commissioners may choose to use the same group of people as both the Planning Board and Board of Adjustment to reduce vacancies and lapses between meetings for the Board of Adjustment.

- **Section 2.2:** Every type of development approval has been classified as an item approved by the Administrator, the Planning Board, the Board of Adjustment, or the Town Board of Commissioners. Each process is clearly explained clearly in a step-by-step manner with flow charts. The submittal requirements for different types of development plans should be clearly set forth. Subdivisions can now be approved administratively as long as they meet all of the requirements of the Ordinance. The Planning Board would have the authority to approve alternative design proposals (Section 2.2.9) where the ordinance cannot be fully met, but an alternate design has an equal or better outcome as it relates to the ordinance. A process has been added for the Board of Adjustment to review and approve Certificates of Nonconformity Adjustment (Section 2.2.8) in cases where a nonconforming use or structure need to be altered.
- **Section 2.2.3:** The Town Board of Commissioners needs to decided if zoning permits will be required for fences.
- **Section 2.2.3.5:** A Certificate of Compliance and fire inspection will be required to ensure that sites are safe and comply with the requirements of the Ordinance prior to occupancy.
- **Section 2.3:** The enforcement process for any violation of the Yadkinville Development Ordinance is the same. The previous ordinance had different procedures for different violations, causing confusion.

Article 3: Zoning Districts and Uses

Article 3 sets for Yadkinville’s zoning districts, the uses permitted in each district, and any special requirements for those uses. Below are the major changes proposed in this article:

- **Section 3.1:** Zoning district names should provide clear insight into the function of the district and should follow the recommendations for future land use described in the Comprehensive Plan. District abbreviations should match the district name for clarity. The minor adjustments to district names and abbreviations in the draft ordinance are shown in the table below. No district boundary changes are proposed as part of this process, only district name adjustments. Map amendments can be looked at on a case-by-case basis following ordinance adoption to ensure that the Future Land Use Map in the Comprehensive Plan is implemented.

Current District Abbreviation	Current District Name	Proposed District Abbreviation	Proposed District Name
R-20	Rural Residential	RR	Residential Rural
R-10	Neighborhood Residential	RM	Residential Medium Density
R-8	Medium Density Residential	RH	Residential High Density
R-8A	High Density Residential		
R-MH	High Density Residential with Manufactured Housing	RMH	Residential Manufactured Housing
R-O	Residential-Office	OI	Office & Institutional
B-1	Neighborhood Business	NB	Neighborhood Business
B-2	Highway Business	HB	Highway Business
B-3	Central Business	CB	Central Business
M-1	Light Manufacturing	LI	Light Industrial
M-2	Heavy Industrial	HI	Heavy Industrial

- **Section 3.3.2:** The North American Industrial Classification System (NAICS) will be employed whenever a use is not specifically listed in the Table of Uses to assist the Administrator in interpretation.

- **Section 3.3.3:** The Permitted Uses Table is divided into eight categories with uses clearly listed as permitted by right or with a Conditional Use Permit. Section references for special requirements for certain uses are also provided in the Table. Featured changes to the Permitted Uses include:
 - Additional use flexibility has been provided in the Office & Institutional (O-I) district (previously R-O Residential Office) to allow for medical related retail and banking and finance uses.
 - Additional uses have also been added to the Light Industrial (LI) district (previously M-1 Light Manufacturing) to include flex office/warehouse, accessory retail, retail outside a fully enclosed building.
 - The Neighborhood Business (NB) district (previously B-1) has also been given additional flexibility to allow for a mixture of commercial and residential uses.
 - The micro-brewery definition has been expanded to include micro-distilleries and micro-wineries.
 - Drive-through uses will require a Conditional Use Permit in the O-I, CB, and NB districts.
 - Multi-family residential has been limited to the Residential High Density (RH) district (previously R-8 and R-8A) and Neighborhood Business (NB) district (formerly B-1) with a Conditional Use Permit.
 - No new manufactured home parks will be permitted.
- **Section 3.4:** Below are featured proposed changes to special requirements for certain uses:
 - Provisions for accessory temporary healthcare structures have been added in accordance with NCGS 160A-383.5.
 - Tourist home (vacation rental) requirements have been added.
 - Provisions for solar and wind power generation have been added.
 - The Town Board of Commissioners needs to decide if 300-foot tall telecommunication towers are still acceptable. This is taller than the average 150-200 foot towers allowed in other jurisdictions.
 - Requirements for temporary uses have been updated to allow school manufactured units for up to 8 years (renewed every two years). The Town Board of Commissioners needs to decide if any existing temporary uses that have expired terms need to be addressed in any way other than moving forward with enforcement, as is currently applicable.

Article 4: Development Standards

Article 4 provides the standards for developing and using a property including density and lot dimensions, environmental and open space standards, landscaping and screening, parking and access, and infrastructure standards. Most development standards apply to new construction and expansions to buildings or parking areas of greater than 20%. Below are the major changes proposed in this article:

- The ability to create group developments in which multiple non-residential buildings are allowed on the same property has been simplified. No additional approvals are required as long as all Ordinance standards are met.
- **Section 4.2.2:** Featured changes to the dimensional standards include the following:
 - Dimensional standards have been simplified with one minimum lot size for each district and a corresponding residential density where applicable.
 - Non-residential district setbacks have been greatly reduced, relying on buffer yards between residential uses.
 - Setbacks in the Central Business (CB) district (previously B-3) district have been eliminated, with a maximum 10-foot setback added.
 - Industrial district setbacks are 10 feet interior to the district and 50 feet adjacent other districts.
- **Section 4.2.4:** A more robust conservation development option has been included to the preservation of open space residential development.
- **Section 4.3.4:** The same open space calculation from the previous ordinance has been retained. However, the method for determining the locations of open space and options for open space types have been added. Payment-in-lieu-of open space is also included as an option.
- **Section 4.4:** Featured changes to landscaping standards include:

- Clear standards for landscaping and screening have been added to further Comprehensive Plan Strategy CC2.
- Requirements for buffer yards, street yards, parking lot yards, and building yards, screening yards, and residential lot yards. Improved landscaping standards is the small trade-off for increasing the buildable area of lots by reducing the building setbacks for the nonresidential districts.
- Standards for fences and walls have been added. The Town Board needs to decide if a zoning permit will be required to ensure compliance with these standards.
- Standards for landscaping installation have been added to the ordinance, including an approved plant list for Drought Tolerant Plants provided by the NC Cooperative Extension.
- **Section 4.5:** Featured changes to parking standards include:
 - Large parking areas (greater than three parking aisles) must have pedestrian walkways and additional landscaping or outparcels between the parking area the primary fronting street.
 - An option has been provided to allow gravel parking for rear yard parking areas that exceed the minimum number of spaces for a use.
 - Curb and gutter are required for parking areas of greater than 20 spaces.
 - Parking lot connectivity is required where possible.
 - Shared parking between two uses with different hours of operation is permitted.
 - Certain commercial and recreational vehicles are restricted from parking in residential areas.
- **Section 4.6:** Featured changes to infrastructure standards include:
 - Minimum residential street right-of-way has been reduced with options for on-street parking and no on street parking.
 - Street names would be approved by the Yadkin County E-911 Addressing Coordinator rather than the Town Board of Commissioners.
 - The ordinance has been reviewed by the Fire Marshal to include requirements of the Fire Code in the infrastructure standards.
 - Sidewalks (5-foot minimum) are required along any street frontage for all new non-residential and multi-family residential development and along one side of new streets within major subdivisions.
 - Minimum and maximum lighting levels have been added. Photometric plans will be required for lighting within new developments. Light heights are limited to 25 feet accept for sports fields.
 - Water and sewer availability are defined for required connection purposes.
 - The Town Board of Commissioners may want to consider contracting with an Engineer to prepare a “Infrastructure Standards and Specifications Manual” or as an appendix to this ordinance.

Article 5: Building Design Standards

The previous ordinance had building design standards for the Central Business (CB) district (previously B-3) district. In furtherance of Comprehensive Plan Strategy C2. This Article provides building design requirements for multi-family and townhome residential buildings, non-residential buildings with special provisions for industrial buildings, and Central Business (CB) district buildings. Below are the major changes proposed in this Article:

- **Section 5.1:** Building design standards apply to all new construction (excluding single-family and two-family residential) and expansions of greater than 20%.
- **Section 5.3:** Standards for multi-family and townhome residential have been added and include:
 - A requirement for facades of a minimum of 50% brick or stone.
 - Minimum and maximum roof pitches and overhangs.
 - Requirements for roof and façade articulation
 - A requirement for rear-loaded garages
 - A requirement for minimum window area and alignment
- **Section 5.4:** Standards for all non-residential development have been added and include:
 - Building modulation (projections and recesses)

- Vertical articulation
- Horizontal articulation
- Roof form (including standards for parapet walls)
- Requirements brick or stone comprise 50% of the primary building wall and 25% of secondary building walls with muted colors
- Exceptions to the standards for industrial building walls.
- Window standards
- Building entrance standards
- Awning standards
- Orientation of Certain Features (garage bays, drive-through windows)
- Mechanical and utility equipment screening
- Accessory building design
- **Section 5.5:** Standards for buildings located in the Central Business District include:
 - Building orientation
 - Massing and scale
 - Façade articulation
 - Roof form
 - Materials
 - Color (muted primary colors with options for brighter accent colors)
 - Storefront design
 - Upper story windows
 - Entrances
 - Awnings and canopies
 - Lighting
 - Mechanical and utility equipment screening

Article 6: Sign Standards

Article 6 brings the Town of Yadkinville into compliance with the Reed vs. Town of Gilbert, AZ, US Supreme Court ruling that sign regulations need to be content neutral in order to uphold the First Amendment of the United States Constitution. All signs are either exempt (incidental, historic, or murals), temporary, permanent, or prohibited. Below are the major changes proposed in this Article:

- **Section 6.3:** Four types of temporary signs are identified and regulated accordingly. Unfortunately, the Supreme Court ruling has severely limited communities' ability to allow non-profit vs. for-profit signs since content cannot be regulated. Finding an acceptable balance in each community is difficult. Furthermore, NC General Statute 136-32 conflicts with the case law since it allows political signs for a specified time period before and after each election. During these time periods, no sign, regardless of purpose or content can be removed from any state-maintained right-of-way.
- **Section 6.4:** Below are the primary changes to regulations for permanent signs:
 - Sign sizes and heights are based zoning district. Maximum sign height has been reduced from 35 feet to 20 feet.
 - Wall signs may be one (1) square foot per linear foot of building wall up to a maximum for the district.
 - Freestanding signs may increase in area for each tenant on the property up to a maximum for the district.
- **Section 6.5:** Pole signs will no longer be permitted unless the pole is encased. Feather flag signs are defined and expressly prohibited.

Article 7: Nonconformities

Article 7 provides for the continuance or discontinuance of nonconforming uses, structures, development sites, and signs. Below are the major changes proposed in this Article:

- **Section 7.5:** There were previously no clear provisions for the threshold at which nonconforming development sites needed to be brought into conformity. This section establishes a building or parking expansion of greater than 20% as the trigger for upgrading landscaping and buffering, parking and access, infrastructure (primarily sidewalks), and building design to the greatest extent possible as determined by the Administrator given the constraints of the site.
- **Section 7.6:** Any sign face change (except multi-tenant panels) would require that a nonconforming sign be brought into conformity.

Appendix A: Definitions

Appendix A is intended to define terms that are vital to the interpretation of the Ordinance. This section is still a work in progress as final review of the document is completed and additional terms need to be defined.