

# MEMORANDUM

**Date:** September 19, 2022

SENT VIA EMAIL

**To:** Town of Wake Forest  
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**From:** Houseal Lavigne Associates  
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**Re: Existing UDO Analysis and Preliminary Recommendations Memo  
Wake Forest, NC UDO & MSSD Update**

The purpose of this memorandum is to introduce key themes for the update of the Town of Wake Forest's Unified Development Ordinance (UDO) and to provide Houseal Lavigne's preliminary recommendations on how to address issues and concerns with the UDO relayed during public outreach and to align regulations with best practices. The assessment and preliminary recommendations were developed based on conversations with Wake Forest Town staff, department heads, elected and appointed officials, residents, developers, stakeholders, and other participants of public outreach.

This memorandum begins by detailing the key UDO update themes that have emerged through the outreach process, assessment of alignment with the Town's recent planning efforts including the Community Plan; Northeast Community Plan; Parks, Recreation, and Cultural Resources Master Plan; Historic Preservation Plan; Public Art Vision Plan; Housing Affordability Plan; and Comprehensive Transportation Plan, and Houseal Lavigne's understanding of modern best practices. The memorandum proceeds to address how the Town's zoning districts can be better aligned with the future land use plan and summarizes best practices research regarding specific topic areas to show how comparative communities address specific land use and zoning issues.



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## INTRODUCTION

The Town of Wake Forest is updating its Unified Development Ordinance (UDO) to modernize regulations, implement recommendations from the Town’s recent planning efforts, make the ordinance more user-friendly, and ensure all regulations are compliant with applicable state and federal laws.

The update involves a five-step process that will take approximately 24-months to complete. The project kicked-off in the Summer of 2022 with extensive community outreach including meetings with Town staff, elected and appointed officials, the UDO Update Technical Review Group; interviews and discussions with stakeholders and focus groups; two public open house sessions; and an online questionnaire. In total approximately 650 people were engaged through upfront outreach efforts.

The update is now in step 2 of the process, Existing UDO Analysis and Preliminary Recommendations. This step involves the thorough review and assessment of the Town’s existing UDO to identify what updates are needed to address the issues and concerns relayed during outreach efforts, to align standards with best practices, and to implement recommendations from the Town’s various plans. The results of this step in the process are presented in the following pages.

## PROJECT TIMELINE





## KEY UDO UPDATE THEMES

The UDO Update process began with extensive community outreach including meetings with Town staff, elected and appointed officials, the UDO Update Technical Review Group; interviews and discussions with stakeholders and focus groups; two public open house sessions; and an online questionnaire. In total approximately 650 people were engaged through upfront outreach efforts. Feedback received from these efforts as well as Houseal Lavigne's assessment of alignment between the Town's UDO and its recent planning efforts, including the Community Plan; Northeast Community Plan; Parks, Recreation, and Cultural Resources Master Plan; Historic Preservation Plan; Public Art Vision Plan; Housing Affordability Plan; Comprehensive Transportation Plan; and the Wake County Multi-Jurisdictional Hazard Mitigation Plan, formed the foundation for the key UDO update themes. The sections below provide detail regarding each theme and Houseal Lavigne's preliminary recommendations on how to update the UDO to address them. The following Zoning Best Practices section of this Memo includes further information on select topics.

**Note: The recommendations detailed below are preliminary and subject to change throughout the UDO update process.**

### Improve Ease of Use

Outreach participants discussed how the UDO should be updated to be more user friendly. Primary areas of concern included inconsistency in terminology, redundancy between UDO standards and MSSD standards, conflicts between diagrams and text, lack of diagrams, and the lack of colocation of standards regarding the same topic.

To address these concerns and better align the UDO with best practices, the Town should consider:

1. Establishing preferred terms and revising the UDO for consistency;
2. Establishing clear "Purpose and Intent" and "Applicability" sections for each chapter, especially to guide non-greenfield development;
3. Including flow charts for all processes;
4. Adding definitions as needed;
5. Evaluating the necessity of existing overlay districts;
6. Listing lot standards, building heights, setbacks, and other similar intensity standards by district;
7. Removing all standards from the UDO that exist in the MSSD and in coordination with the MSSD update process, determine the required level of detail for the UDO and relocate more detailed standards to the MSSD;
8. Updating all diagrams to align with updated text;
9. Utilizing graphics, tables, charts, and lists where appropriate; and
10. Restructuring the UDO as recommended in the Proposed UDO Structure section of this memorandum.

### Modernize Standards

Outreach participants discussed the need to modernize standards in the UDO regarding a range of topics including allowed uses, infill development, fences and walls, signs, parking, driveways, street design, sidewalks, landscaping and buffering, building materials, and building design. Primary areas of concern included lack of modern uses, inadequate transitions of infill development, lack of distinction in fence standards between districts, lack of sign standards, an overabundance of off-street parking, conflicts with on-street parking, lack of clarity and distinction between districts regarding driveway standards, inadequate internal and external pedestrian circulation and connectivity standards, lack of flexibility in landscape and buffering standards, and lack of distinction between building types in design and materials standards.

To address these concerns and better align the UDO with best practices, the Town should consider:

1. Updating use and dimensional standards as recommended in the Land Use Plan Alignment section of this memorandum;
2. Updating the use table and supplemental use provisions to address modern principal, accessory, and temporary uses such as but not limited to food trucks/mobile vending, drone delivery, and short term rentals;
3. Evaluating the appropriateness of all uses permitted in each district to focus auto-oriented uses toward corridors;
4. Requiring a mix of uses in certain districts;



5. Enhancing infill development standards to better address transitions and distinguish between residential and nonresidential infill;
6. Establishing allowed fence materials lists that distinguish between residential, mixed use, commercial, and industrial areas;
7. Establishing temporary sign regulations to comply with case law;
8. Eliminating parking minimums and establishing parking maximums for uses as appropriate;
9. Addressing curb-side pick-up and shared mobility uses in off-street parking areas;
10. Enhancing on-street parking design standards to include requirements for features such as bump outs and regulatory parking signs;
11. Replacing driveway standards with enhanced dimensional standards that better distinguish between residential and nonresidential driveway requirements;
12. Updating stacking requirements for drive throughs, schools, and other uses;
13. Establishing on-site pedestrian walkway requirements;
14. Expanding administrative exception allowances;
15. Replacing parking lot landscape standards with standards that take into consideration the visibility of the parking from the public right-of-way; and
16. Establishing standards for new building types such as two-over-twos and varying forms of commercial buildings.

### Enhance Environmental Stewardship

Outreach participants expressed a desire for Wake Forest to enhance its environmental stewardship efforts. Primary areas of concern included loss of tree canopy, lack of dark skies initiatives, lack of incentives or requirements for green infrastructure, and lack of clarity in stormwater and erosion control requirements.

To address these concerns and better align the UDO with best practices, the Town should consider:

1. Establishing conservation design standards that incentivize the preservation of environmental features such as but not limited to tree stands and natural topography;
2. Enhancing outdoor lighting standards to require energy efficient fixtures that minimize light trespass and pollution;
3. Establishing standards for solar energy collection systems;
4. Incentivizing the use of rain gardens, bioretention cells, and other green landscape infrastructure in required landscape areas;
5. Incentivizing the use of pervious surfacing materials in parking lots, walkways, and other hardscaped areas;
6. Requiring a minimum percent of species diversity in all required landscape areas, including a requirement for the use of native species;
7. Incentivizing new development to utilize green building practices that exceed minimum standards; and
8. Clarifying stormwater and erosion control requirements and in coordination with the MSSD update process, determine the required level of detail for the UDO and relocate more detailed standards to the MSSD.



### Address Housing Affordability

Outreach participants expressed a concern about the increasing cost of housing in Wake Forest. The Town has recently adopted the Housing Affordability Plan which recommends that the Town consider incentives for the inclusion of affordable housing in new development. Incentives that the Town should consider include:

1. **Density Bonus.** Density bonuses allow for greater building height, lot coverage, and density in exchange for the provision of affordable housing. These bonuses help to make the affordable units feasible by allowing the developer additional developable area and return on the property. The amount of bonus should be tied to the percentage of units to be deed restricted as affordable but should be limited to a maximum of 30 percent of all units in order to avoid the over concentration of people experiencing poverty.
2. **Required Parking Reductions.** Individuals and households earning below the area median income often own cars at lower rates, making the amount of parking typically required for multifamily development an unnecessary added cost. Since developers often pass on the cost to provide parking to tenants, oversized parking requirements can cause rental rates to increase. The Town should consider allowing for a by-right reduction in required parking if a certain percent of the units are deed restricted affordable and/or if the cost of parking is not bundled with the cost of rent.
3. **Permit Consolidation.** The time associated with receiving the permits required for development can add to development cost and ultimately cause rental rates to increase. The Town should consider allowing for the concurrent review and approval of site plans and construction plans when a certain percent of units are deed restricted affordable.
4. **Fee Waivers.** Fees associated with development approval can add to cost and ultimately cause rental rates to increase. The Town should consider waiving or lowering fees for residential development when a certain percent of units are deed restricted affordable. Modified or waived fees for eligible projects would be reflected in the fee schedule adopted as part of the annual budget.

### Ensure Compliance with Recent State and Federal Legislation and Case Law

Since the Town of Wake Forest adopted its UDO in 2013, there have been several changes in state and federal legislation, as well as in case law. The UDO update should include amendments to ensure compliance with these changes, including but not limited to those detailed below.

1. **Wireless Telecommunications Facilities.** In 2018, the Federal Communications Commission released the Wireless Infrastructure Third Report and Order and Declaratory Ruling, which further limits state and local government authority over certain wireless facilities. The Town's wireless telecommunications facilities standards will be assessed and updated as needed to comply.
2. **Signs.** In 2016, the Supreme Court of the United States heard the Reed vs. the Town of Gilbert, AZ case, and in its decision clarified that commercial and noncommercial sign copy is protected speech under the first amendment. Based on this decision, municipalities are no longer able to regulate signs based on the content of the sign copy. Since this decision, there have been several follow up cases that further clarify the Supreme Court's 2016 decision in Reed vs. the Town of Gilbert including but not limited to City of Austin, TX vs. Reagan National Advertising (2022) which clarified that municipalities are able to differentiate between on- and off-site signs. The Town's sign standards will be assessed and updated as needed to comply.
3. **Religious Land Uses.** In 2000, the federal government passed the Religious Land Use and Institutionalized Persons Act which mandates that land use regulations must grant "equal treatment" to a religious assembly or institution as compared with a nonreligious assembly or institution; not discriminate on the basis of religion or religious denomination; not totally exclude religious assemblies or institutions; and not unreasonably limit religious assemblies or institutions within a jurisdiction. Since the act was passed, it has been challenged in federal court several times, resulting in the clarification of the intent and scope of the act. The Town's allowed uses by district, definitions, and district purpose and intent statements will be assessed and updated as needed to comply.
4. **160D.** In 2019, the state of North Carolina consolidated the city- and county-enabling statutes for development regulations (formerly in Chapters 153A and 160A) into a single, unified chapter (160D). During this process, the state also incorporated clarifying amendments and consensus reforms with additional legislation passed since the July 2021 deadline. The Town's UDO will be assessed and updated as needed to comply.



## LAND USE PLAN ALIGNMENT

The Land Use Plan alignment analysis was conducted to better understand how the Town's existing zoning districts do and do not align with the future land use categories in the Community Plan and the Northeast Community Plan. The analysis compares the primary and supporting uses identified as appropriate in a land use category designation in the Community Plan and Northeast Community Plan with the uses that are allowed in the related zoning districts. Planned and allowed density/intensity of development was also compared. The table below identifies the zoning district which is most closely aligned with each land use category, the level of alignment, and amendments for the Town to consider to bring the districts into further alignment with the land use categories.

Land Use Plan Alignment			
<i>Land Use Category</i>	<i>Most Aligned Zoning District(s)</i>	<i>Level of Alignment</i>	<i>Amendments to Consider for Further Alignment</i>
<b>Conventional Residential.</b> Conventional Residential areas consist of a mix of housing types that resemble the character and form of traditional single family neighborhoods. This can include single-family homes as well as single-family attached and multifamily developments that appear like a single-family home, such as duplexes, cottage home courts, and townhomes.	GR-3 General Residential	Mid	Allow additional residential formats including duplexes, townhomes, cottage home courts, triplexes, and quadplexes. Update dimensional standards to accommodate additional residential formats and ensure compatibility of infill development.
	GR-5 General Residential	Mid	
	GR-10 General Residential	High	Update dimensional standards to better accommodate additional residential formats and ensure compatibility of infill development.
<b>Northeast Community Residential.</b> The Northeast Community is a significant historic core neighborhood for Wake Forest. Settled after the Civil War, the Community established itself as a vibrant center of African American culture and tradition. The neighborhood abuts the downtown commercial area. It is bordered by E. Roosevelt Avenue/Wait Avenue to the south and N. White Street to the west. Ailey Young Park marks the eastern boundary.	none	n/a	Establish a new Northeast Community Residential District to allow only single-family detached uses, accessory dwelling units, and duplexes in keeping with the Northeast Community Plan.
<b>Mixed Residential.</b> Mixed Residential areas consist of planned developments that contain a wide mix of housing types, ranging from single-family homes to multifamily development.	UR Urban Residential	Mid	Allow additional multifamily formats including two-over-twos.
<b>Transit-Supportive Residential.</b> Transit-Supportive Residential areas include compact residential areas featuring a variety of higher intensity housing types, like apartment buildings and two-over-twos.	UMX Urban Mixed Use	Mid	Allow additional multifamily formats including two-over-twos.



Land Use Plan Alignment			
Land Use Category	Most Aligned Zoning District(s)	Level of Alignment	Amendments to Consider for Further Alignment
<p><b>Neighborhood Commercial.</b> Neighborhood Commercial uses include local-serving commercial nodes that provide surrounding residents with convenient access to day-to-day goods and services. Examples include hair salons, cafes, dry cleaners, restaurants, and small grocery or convenience stores.</p>	NB Neighborhood Business	High	Due to level of alignment, minimal changes required.
<p><b>Downtown.</b> Downtown includes two primary areas: the Downtown Core and the Downtown Edge. The Downtown Core should continue to serve as the historic heart of the Town and the center of culture, tourism, and civic activity. Higher density residential uses should be supported in the Downtown Edge or in the upper floors of Downtown Core mixed use buildings to increase living options near the Downtown's amenities.</p>	RA-HC	Mid	The Community Plan divides the Downtown into the Downtown Core and the Downtown Edge. The RA-HC District most closely aligns with the Downtown Core. The Town should consider updating the boundaries of the RA-HC District to better reflect the desired Downtown Core area and better distinguish between historic and non-historic areas.
	TBD	TBD	The Community Plan divides the Downtown into the Downtown Core and the Downtown Edge. No existing districts align with the Downtown Edge. Preliminarily, the Town should consider establishing a new Downtown Edge District and assess whether an existing residential district can adequately accommodate the downtown residential areas or if a new Downtown Neighborhoods District should be established.
<p><b>Corridor Commercial.</b> Corridor Commercial uses include auto-oriented retail and service businesses, such as large-scale shopping centers, grocery stores, restaurants, gas stations, and hotels. Standalone office uses are included within this designation.</p>	HB Highway Business	High	Due to level of alignment, minimal changes required.





Land Use Plan Alignment			
Land Use Category	Most Aligned Zoning District(s)	Level of Alignment	Amendments to Consider for Further Alignment
<b>Office.</b> Office uses contain large-scale, standalone office developments, like corporate headquarters or hospitals, and clusters of smaller-scale offices, like professional services, legal firms, and medical offices.	NB Neighborhood Business	High	No major changes to district standards needed. Modify the Town's planned unit development process to better accommodate large-scale multibuilding office developments like corporate headquarters or hospitals.
	HB Highway Business	High	
<b>Civic and Institutional.</b> Civic and Institutional uses include local government uses, municipal facilities, community service providers, educational facilities, and religious institutions. Examples include Town Hall, fire stations, places of worship, the Wake Forest Community Library, Wake County public schools, charter schools, private schools, and the Southeastern Baptist Theological Seminary.	none	n/a	Establish a new Civic and Institutional District to accommodate noncommercial places of assembly such as schools, libraries, and places of worship.
<b>Light Industrial.</b> Light Industrial uses diversify the Town's tax base and provide local employment opportunities. They include facilities involved in the manufacturing, processing, storage, and distribution of goods and materials; telecommunication facilities; research centers; R&D/life sciences facilities; tech industries; and flex spaces.	LI Light Industrial	High	Due to level of alignment, minimal changes required.
<b>Parks and Open Space.</b> Parks and Open Space includes designated public park spaces managed by the Wake Forest Parks, Recreation, and Cultural Resources Department, as well as golf courses and cemeteries.	OS Open Space	High	Due to level of alignment, minimal changes required.
	All Districts	High	Indoor and outdoor recreation facilities are allowed in all zoning districts with the exception of the LI Light Industrial and HI Heavy Industrial Districts. Due to level of alignment, minimal changes required.
<b>Utility.</b> The Utility land use designation includes utility infrastructure, such as electrical substations and water treatment facilities.	All Districts	High	Class 1 and 2 utilities are allowed in all zoning districts with the exception of the OS Open Space District. Due to level of alignment, minimal changes required.
<b>Note:</b> All of the Town of Wake Forest's zoning districts are not included in the alignment analysis presented in this table. These districts, such as the ICD Institutional Campus District and PUD Planned Unit Development District, will be further evaluated during the UDO update process.			



### ZONING BEST PRACTICES

Best practices and comparative community research was conducted for several topics brought up during community outreach as well as topics identified in the Town's Plans. The sections below summarize the findings of the research.

#### Accessory Commercial Uses

Stakeholders expressed that the Town should support small businesses, innovative industries, and diverse employment opportunities to strengthen the Town's tax base. One method to achieve this is by allowing Accessory Commercial Units (ACU), which are small commercial uses located on the same lot but subordinate to a principal residential use. Only home occupations are permitted only as an accessory use under the current UDO. Incorporating ACUs into the UDO will provide clear guidelines to develop small-scale commercial uses, subordinate to the principal use. ACUs are a relatively recent concept and few communities in the United States regulate them under their land development regulations. Wake Forest can reference Raleigh, NC; Stevens Point, WI; and Portland, OR for example regulations.

The case study localities define ACUs and include regulations on permit processes, the number of ACUs allowed per lot, setbacks, height, building coverage or maximum square footage, minimum lot size, hours of operation, and regulations for the number and type of vehicle. Additional standards include pedestrian access, appearance and the types of business activities allowed.

#### Food Trucks

The Town of Wake Forest does not legally permit food trucks in its UDO, although staff and stakeholders recognize the need to legally permit them. Wake Forest can reference other communities in North Carolina, including Charlotte, Raleigh, and Greensboro for example food trucks regulations.

The case study localities require food trucks to receive a permit and regulate where food trucks are allowed to be located, their hours of operation, and how many food trucks are allowed on a site. The case study localities also regulate the type and location of associated equipment and establish trash disposal requirements.

#### On-Street Parking

Through outreach methods, stakeholders commented on the challenges of designing streets for automobiles, pedestrians, cyclists, and on-street parking. Participants suggested that on-street parking should be provided on only one side of the street to make room for more modes of transportation and to better accommodate services like trash pick-up. Wake Forest can reference other North Carolina communities, including Raleigh and Morrisville, for example on-street parking regulations.

The case study localities require streets with on street parking to be designed with landscape chokers or other similar delineation methods, establish minimum dimensional standards for on-street parking in residential and nonresidential settings, and allow a reduction in required off-street parking if on-street parking is available within a certain distance of the subject use.

#### Residential Parking Maximums

Parking maximums can help Wake Forest achieve its goal to become a more pedestrian- and bike-friendly community, expand and maintain green spaces, and better manage stormwater and urban heat island issues. Strong support for parking maximums was expressed for nonresidential uses while concern regarding parking maximums for residential uses was discussed. Wake Forest can reference other North Carolina communities, including Raleigh, Knightdale, Charlotte, and Greensboro, for example parking maximums in residential districts.

The case study localities limit unenclosed parking for single-family detached and duplex uses and restrict multifamily parking based on the number of bedrooms per unit. It is important to note that Raleigh, Knightdale, and Greensboro have residential parking minimums as well as maximums, and the maximums do not apply across all residential districts.



### Electric Vehicle Parking

Mass adoption of electric vehicles is forecasted in the coming decade. To ensure Wake Forest has the infrastructure needed to charge electric vehicles, it should consider requiring the installation of electric vehicle charging stations or the infrastructure to support the future installation of electric vehicle charging stations in new parking lots and structures. Wake Forest can reference other North Carolina communities, including Charlotte and Knightdale, for example electric vehicle charging station requirements.

The case study localities require electric vehicle charging stations be installed for specific use types and establishes the required number of electric vehicle charging stations based on the provided number of vehicle parking spaces. The location of parking spots with electric vehicle charging stations is also regulated.

### Objective Design Standards for Multifamily and Nonresidential Development

According to the North Carolina General Statute, municipalities have the ability to regulate building design elements for multifamily and nonresidential development but cannot regulate design standards for single-family detached, duplex, or townhome building types. As Wake Forest pursues updates to its UDO it should consider enhancing its design standards for commercial; multifamily, including triplexes, quadplexes, two-over-twos, and apartment buildings; institutional/civic buildings, and industrial buildings. Wake Forest can reference other North Carolina communities, including Knightdale, Morrisville, and Wendell, for example objective design standards.

The case study localities establish general design standards for all multifamily, mixed use, and nonresidential building types that regulate building proportions, building orientation, building materials, façade articulation, and roof finishing. Standards for specific building types regulate façade design details, transparency, roof materials and relief, entrances, public gathering space provision and activation, and more.

### Infill Development Transition Standards

The Community Plan prioritizes infill development for future growth. The UDO currently addresses infill development, but the standards only provide setback and lot width guidelines. To better accommodate context sensitive infill development, the Town should consider standards that ease transitions between existing and infill development. Wake Forest can reference other North Carolina communities, including Raleigh, Durham, Morrisville, and Greensboro for example infill development standards.

The case study localities establish standards for infill development that address applicability, setbacks, lot area, height, driveway/parking access, and transitions.



### PROPOSED UDO STRUCTURE

The Wake Forest UDO currently includes 146 sections across 17 chapters. The structure of the document is, for the most part, streamlined and logical, and participants of outreach activities expressed how it is easy to use. There are several opportunities to further streamline the UDO by relocating and consolidating sections. The text below provides detail on which sections are proposed to be restructured as well as where new sections are proposed to be introduced. The following is a preliminary analysis and recommendation and is subject to change as the UDO sections are drafted.

#### Chapter 1: Purpose and Applicability

Chapter 1: Purpose and Applicability includes high level information regarding the title, authority, jurisdiction, purpose, and intent of the UDO.

It is recommended that the Town add a new section to Chapter 1 regarding Permit Choice and Vested Rights in order to comply with NCGS 160D.

#### Chapter 2: District Provisions

Chapter 2: District Provisions includes standards related to specific zoning districts including their purpose and intent and dimensional standards. It is recommended that the Town consider renaming Chapter 2: Zoning Districts.

Several sections of Chapter 4 are proposed to be relocated to Chapter 2, including, section 4.3.4 Encroachments. These sections directly apply to district dimensional standards and should be collocated with those standards in Chapter 2.

Similarly, it is recommended that the use related standards in Section 2.3 be relocated to Chapter 3 so as to be collocated with the associated supplemental use standards.

It is also recommended that the Town add a new section to Chapter 2 regarding allowed density bonuses. The Town should also consider consolidating section 2.4 Overlay Districts with section 2.5 Floating Overlay Districts.

#### Chapter 3: Supplemental Use Standards

Chapter 3: Supplemental Use Standards includes standards that apply to specific uses, often related to mitigating negative off-site impacts.

Section 2.3 Uses Permitted is proposed to be relocated to Chapter 3. To reflect this change, the title of Chapter 3 is proposed to be revised to Chapter 3: Use Standards.

Two sections of Chapter 4 are also proposed to be relocated to Chapter 3, including 4.6 Accessory Uses and Structures and 4.7 Temporary Uses. No other major changes are proposed to the structure of Chapter 3.

#### Chapter 4: General Provisions for All Districts

Chapter 4: General Provisions for All Districts has been described as the UDO's "junk drawer" and includes a wide array of standards that apply to some or all districts.

Sections 4.2-4.7 are proposed to be relocated to other UDO Chapters. Despite the relocation of the majority of the Chapter, it is recommended that Chapter 4 be retained and that several sections of Chapter 6 and a subsection of Chapter 8 be relocated to it and several new sections be added. Further discussion with staff is necessary to determine which standards apply to all development and which apply to only subdivisions. Only those standards that apply to all development are recommended to be relocated to Chapter 4. It is recommended that subsection 8.5.4 Fences, Walls, and Berms be relocated to Chapter 4 and made into its own section. It is also recommended that section 8.8 Dumpster and Mechanical Utilities Screening be relocated to Chapter 4.



Additionally, it is recommended that the Town establish several new sections in Chapter 4 regarding retaining walls, conservation design, and multibuilding development standards. It is recommended that the new multibuilding development standards replace existing subsection 4.3.2 Number of Principal Buildings per Lot.

To reflect the proposed changes, it is recommended that the Town rename Chapter 4: General Development Standards.

### **Chapter 5: Building Design Standards**

Chapter 5: Building Design Standards includes standards that regulate building siting, orientation, massing, and architecture for specific building types. To better reflect the types of standards included in Chapter 5, it is recommended that the Town rename Chapter 5: Building Design and Layout Standards. Further, it is recommended that the Town renumber Chapter 5: Building Design and Layout Standards to Chapter 6: Building Design and Layout Standards so that the UDO structure more accurately reflects the order in which the standards are referenced during the development process.

It is recommended that the Town add three new sections to Chapter 6 regarding two-over-two residential buildings, outlot/liner commercial buildings, and large lot commercial buildings. Additionally, the Town should consider establishing green building standards that could apply to all building types.

### **Chapter 6: Subdivision and Infrastructure Standards**

Chapter 6: Subdivision and Infrastructure Standards includes regulations pertinent to the subdivision of land as well as to required infrastructure improvements.

It is recommended that Chapter 6 include only regulations pertinent to the subdivision of land and that regulations that apply to site specific development be relocated to other topic specific Chapters of the UDO. To reflect this change, it is recommended that the Town rename Chapter 6: Subdivision Standards. Further, it is recommended that the Town renumber Chapter 6: Subdivision Standards to Chapter 5: Subdivision Standards so that the UDO structure more accurately reflects the order in which the standards are referenced during the development process.

Regulations pertinent to the subdivision of land located in other Chapters should be consolidated in Chapter 5 including section 4.3 Basic Lot and Use Standards (with the exception of subsection 4.3.4 Encroachments).

It is also recommended that the Town eliminate the detailed cross sections from Chapter 5 and instead refer to the cross sections included in the Comprehensive Transportation Plan, as amended.

The final contents of Chapter 5 will be determined in coordination with the MSSD update.

### **Chapter 7: Recreation Facility Fees, Parks, and Open Space Land**

Chapter 7: Recreation Facility Fees, Parks, and Open Space Land includes regulations pertaining to the preservation of open space, provision of parkland, and applicability of recreation facility fees. Since all fees are located in the fee schedule outside of the UDO, it is recommended that the Town rename Chapter 7: Parks and Open Space Standards.

No major changes are proposed to the structure of Chapter 7.

### **Chapter 8: Tree Protection, Buffers, and Landscaping**

Chapter 8: Tree Protection, Buffers, and Landscaping includes standards that regulate the tree preservation and require a minimum amount of buffering between uses and on-site landscaping. It is recommended that the Town rename Chapter 8: Tree Preservation, Landscaping, and Buffer Standards.

Subsection 8.5.4 Fences, Walls, and Berms and section 8.8 Dumpster and Mechanical Utilities Screening are proposed to be relocated to Chapter 4, as detailed above. No other major changes are proposed to the structure of Chapter 8.



### Chapter 9: Parking and Driveways

Chapter 9: Parking and Driveways includes regulations that pertain broadly to access and circulation and is therefore proposed to be renamed to Chapter 9: Access and Mobility Standards.

It is recommended that the Town relocate all access and mobility standards to this chapter including but not limited to Section 6.6 Implementation of Transportation Plan and Town Street Classifications and 6.11 Transportation Impact Analysis.

Additionally, it is recommended that the Town establish a new sections in Chapter 9 regarding on-site pedestrian walkways and required off-site pedestrian connections as well as sight distance triangles.

No other major changes are proposed to the structure of Chapter 9.

### Chapter 10: Lighting

Chapter 10: Lighting includes standards pertaining to outdoor lighting throughout the Town.

No major changes are proposed to the structure of Chapter 10.

### Chapter 11: Signs

Chapter 11: Signs includes standards pertaining to the allowed number, location, and size of permanent and temporary signs in the Town. To streamline the name of the chapter with other chapters of the UDO it is recommended that the town rename Chapter 11: Sign Standards. Further, it is recommended that the Town renumber Chapter 11: Sign Standards to Chapter 12: Sign Standards so that the UDO structure more accurately reflects the order in which the standards are referenced during the development process.

Chapter 12: Signs is proposed to be fully replaced. The structure of the new standards is proposed to include the following sections:

1. Purpose, Authority, and Findings
2. Limit on Sign Area and Sign Copy
3. Sign Measurement
4. Permitted and Allowed Sign Types by District
5. General Sign Standards
6. Permanent Sign Standards
7. Temporary Sign Standards
8. Sign Plans
9. Prohibited Signs and Content
10. Safety, Maintenance, and Abandonment

### Chapter 12: Erosion, Flood, Stormwater, and Watershed Standards

Chapter 12: Erosion, Flood, Stormwater, and Watershed Standards includes the regulations pertinent to natural resource protection throughout the Town. To better reflect this, it is recommended that the Town rename Chapter 12: Natural Resource Protection Standards. Further, it is recommended that the Town renumber Chapter 12: Natural Resource Protection Standards to Chapter 11: Natural Resource Protection Standards so that the UDO structure more accurately reflects the order in which the standards are referenced during the development process.

It is recommended that section 6.4 Land Suitability be relocated to Chapter 11.

The final contents of Chapter 11 will be determined in coordination with the MSSD update.



### Chapter 13: Nonconformities

Chapter 13: Nonconformities includes the standards pertinent to legally nonconforming lots, structures, and uses. It is recommended that the Town renumber Chapter 13: Nonconformities to Chapter 14: Nonconformities so that the UDO structure more accurately reflects the order in which the standards are referenced during the development process.

Section 13.5 Nonconforming Uses and Structures is proposed to be separated out into two separate sections, one regulating nonconforming uses and the other regulating nonconforming structures.

A new Chapter 13: Performance and Maintenance is proposed to be established.

It is recommended that the Town relocate sections 6.12: Improvement Guarantees and Performance Securities, 6.13: Provision of Services and Acceptance by Town, and 6.14: Ownership and Maintenance of Common Areas to the new Chapter 13: Performance and Maintenance.

### Chapter 14: Administrative Agencies

Chapter 14: Administrative Agencies includes information regarding the various parties responsible for the administration of the UDO. The contents of Chapter 14: Administrative Agencies is proposed to be consolidated with Chapter 15: Administration. Chapter 14 is proposed to be reutilized as Chapter 14: Nonconformities.

### Chapter 15: Administration

Chapter 15: Administration includes the information regarding the various processes and procedures for UDO compliance.

Since the contents of Chapter 14: Administrative Agencies is proposed to be consolidated with Chapter 15: Administration, it is recommended that the Town rename Chapter 15: Administrative Standards.

### Chapter 16: Enforcement

Chapter 16: Enforcement includes the standards pertinent to the enforcement of the UDO regulations.

No major changes are proposed to the structure of Chapter 16.

### Chapter 17: Definitions

Chapter 17: Definitions includes regulations that pertain to both definitions and interpretations and is therefore proposed to be renamed to Chapter 17: Definitions and Interpretations.

Section 17.3 establishes use definitions, while Section 17.4 establishes non-use definitions. It is recommended that the Town consolidate these sections.

All definitions located outside of Chapter 17 are proposed to be relocated to this chapter. Section 4.2 Interpretation of Numerical Standards, 4.4 Irregular Lot Setbacks, as well as Section 4.5 Measurement of Height are proposed to be relocated to Chapter 17 as they apply to the interpretation of the full UDO.



### Proposed UDO Chapters

Below is a list of the proposed UDO chapters.

1. Purpose and Applicability
2. Zoning Districts
3. Use Standards
4. General Development Standards
5. Subdivision Standards
6. Building Design and Layout Standards
7. Parks and Open Space Standards
8. Tree Preservation, Landscaping, and Buffer Standards
9. Access and Mobility Standards
10. Lighting Standards
11. Natural Resource Protection Standards
12. Sign Standards
13. Performance and Maintenance
14. Nonconformities
15. Administrative Standards
16. Enforcement
17. Definitions

### ONLINE QUESTIONNAIRE RESULTS SUMMARY

The summary of the results of the online questionnaire are included in the following pages.