

# TOWN OF FRANKLIN

## **Section 153.23. Traditional Neighborhood Overlay Regulations**

The Traditional Neighborhood Overlay (“Overlay Zone”) 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 by, among other techniques:

- 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;
- 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
- 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.

The types of uses allowed and the standards established for development in this Overlay Zone 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.

### (A) Application of Overlay

(1) In order to achieve the desired intent of the overlay, it shall not be applied to any area less than twenty (20) acres 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) 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 seventy-five percent (75%) if it is within one-half mile walking distance of a business district or twenty-five percent (25%) if it is not.

Commercial uses, including their required on-site parking, shall not exceed twenty percent (20%) of the project area.

(3) The specific Residential and Business density of the Overlay Zone 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 throughways, 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:

- the amount of residential and commercial use allowed in the project;
- the types of residential, commercial, mixed-use and civic buildings and uses permitted;
- the types and dimensions of streets and thoroughfares, together with their turning ratios, sight triangles, parking, street tree and lighting configurations;
- the dimensions of permitted buildings, their lot sizes, setbacks, building lines and heights;
- any intrusions permitted in required yards;
- the location of required parking areas according to building types as well as landscape and signage elements of the project, and
- the architectural standards to be applied within the project.

(4) 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 matters described in section A(3) above) shall control the project in lieu of the regulations set forth in this zoning code or the subdivision regulations of the Town of Franklin. This provision shall be deemed to supersede §152.42 (G) for the Overlay Zone only.

(5) The provisions of this Overlay Zone shall apply only when specifically approved for a specific property by the Board of Aldermen.

(B) Use Regulations

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 ordinance except for the following uses and only when complying with all sections of this ordinance, including definitions:

- (1) Any allowable use in Section 153.20 of this ordinance related to the Residential District shall be allowed in the Overlay Zone.
- (2) Office buildings, including medical, professional, public and financial (including banks), provided that such establishments shall not provide drive-in or drive-through service. This category shall include, but not be limited to, the following: accountants, architects, attorneys, certified financial planners, chiropractors, dentists, doctors, engineers and surveyors.
- (3) Restaurants, cafes and other eating establishments, provided that such establishments shall not provide drive-in or drive-through service.
- (4) Art studios and galleries, craft, antique and book shops.
- (5) Personal services, including barber and beauty shops, shoe and watch repair.
- (6) Grocery and convenience stores without petroleum dispensing.
- (7) 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.
- (8) Accessory buildings utilized for Residential use (which shall not count toward the cap on residential density); provided that an accessory building cannot be rented to a different party if the primary building is rented. Accessory buildings in this Overlay Zone shall not be required to provide any yards other than the rear or side yards, which may coincide with the rear and side yards provided by the primary building.

Business establishments within this Overlay Zone shall not open to the public before 7 a.m. nor remain open to the public after 10 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.

(C) Dimensional Requirements for all permitted uses

(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 (2) side yards totaling at least 10 feet with one side not less than five feet and no buildings closer than 10 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 (i) 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 (ii) 35 feet.

(5) Minimum lot size – none.

Setbacks for Business use properties from Residential properties not subject to this Overlay Zone shall provide for a minimum of a 10 foot setback along any side abutting a Residential District in which is located a buffer strip as defined in Section 153.02 of this ordinance.

(D) 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 twenty percent (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:

- 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 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 Section 153.20. 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 business 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. Business 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 thereunder 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.

(E) Additional Standards

(1) 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 twenty (20) feet of street frontage.

(2) No buffers shall be required between Business and Residential lots within the Overlay Zone.

(3) Street and thoroughfare layout, width and design shall be as approved in the Regulating Plan and Neighborhood Code, provided that where compliance with NC DOT regulations is required for acceptance of a public road by NC DOT 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 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.