

## CHAPTER 9A - ATTACHED HOUSING COMMERCIAL DISTRICT

Chapter 9A added by Ordinance 462, April 9, 2007

### 9A.1 PURPOSE

The purpose of the Attached Housing Commercial (AHC) District is to effect the Town's goals of providing a range of housing types and opportunities by authorizing a mixture of dwelling units and non-residential uses in an integrated, designed-oriented project. The AHC District may only be established upon presentation of a plan that incorporates certain "target" price and rent levels for proposed residential uses, as well as compatible non-residential uses otherwise authorized in the General Business (GB) District that provide employment opportunities for residents of the proposed District. A request for establishment of an AHC District must be accompanied by a Concept Plan that graphically illustrates the relationship between the proposed residential and non-residential uses.

### 9A.2 USES PERMITTED

- A. Single family detached dwelling units, including accessory buildings pursuant to Section 19.1, and accessory uses normally incidental to single family dwellings pursuant to Section 19.5.
- B. Attached single-family dwelling.
- C. Patio home.
- D. Duplex.
- E. Triplex and Fourplex.
- F. Multi-family dwelling.
- G. Any use permitted of right in a General Business (GB) District.
- H. Any building to be erected or used by the Town, county, state or federal government.
- I. A day-care center, group day-care home or registered family home pursuant to Section 19.2.
- J. Hospitals, community homes, and group homes pursuant to Section 19.3.
- K. Recreational facilities that serve as an integral part of the permitted use including, but not limited to: club house, community center building and tennis facilities.
- L. Any installation of a public utility either privately or publicly owned, fire station, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artesian wells or sewage lift station.

- M. Gas and electrical public utility regulating stations.
- N. Church or rectory.
- O. Schools - public kindergarten, elementary school, middle school or high school.
- P. Satellite dish antennas and amateur radio antennas up to forty (40) feet in height measured from the ground elevation at the base of antenna.

#### 9A.3 USES PERMITTED AS CONDITIONAL USES

Any use permitted as a conditional use in Section 9.3 Attached Housing, or Section 12.3 General Business District, hereof.

#### 9A.4 DEVELOPMENT AND PERFORMANCE STANDARDS

- A. Single-Family Detached Dwelling Unit Standards for AHC District.
  1. The maximum density for a single-family development is 4.0 dwelling units per acre.
  2. Minimum lot size for a single family dwelling unit is 4,500 sq ft.
  3. All single-family dwelling units must meet the minimum standards for lot width, front yard setback, side yard setback and rear yard setback as set forth in Chart 3.2, which is incorporated herein by reference, except as may be further modified by the Special Regulations in Chapter 19 and the Design Standards in Chapter 20.
  4. All single-family detached dwelling units must meet the standards for lot depth, height, lot coverage and dwelling unit size set forth in Chart 9.1, which is incorporated herein by reference, except as may be further modified by the Special Regulations in Chapter 19 and the Design Standards in Chapter 20.
- B. Performance Standards for Single-family Attached, Patio, Multi-unit and Multi-family Dwelling Units.
  1. Residential dwelling units for housing types other than single-family detached shall meet the minimum standards for minimum setbacks, minimum dwelling size, maximum height and maximum lot coverage set forth in Chart 9.3, which is incorporated herein by reference.
  2. Residential dwelling units for housing types other than single-family detached shall meet the special standards for residential uses in a planned residential district, as set forth in section 9.5.D.
- C. Performance Standards for Non-Residential Uses

Development standards for nonresidential uses within the district shall be those specified for the General Business (GB) District, as may be further modified by the Special Regulations in Chapter 19 and the Design Standards in Chapter 20, or by approval as a conditional use.

D. Waivers to Performance Standards

An applicant for an AHC District may submit an alternative proposal that incorporates variations to the performance standards of this section, which meet the intent and purpose of the District and which achieve the same basic objectives as the particular standards which are to be waived. The waivers shall be evaluated and acted upon with the request to establish the AHC District.

9A.5 SPECIAL STANDARDS GOVERNING ESTABLISHMENT OF AHC DISTRICT

A. Minimum Number of Dwelling Units.

No AHC District will be established unless the proposed project contains a minimum of 35 dwelling units (“Target Units”). Target Units shall be sold or leased to the purchaser or tenant of the dwelling unit for no more than target rates (“Target Rates”) established by the Town Council by resolution, from time to time, in order to achieve the goals and effectuate the purposes of this District.

B. Guaranty and Secured Participation Agreement.

A proposed guaranty and secured participation agreement shall be included with the request for establishment of the AHC District, to secure the Developer’s guaranty obligation to sell or lease the dwelling units in accordance with the Target Rates. The form and substance of the agreement may be established by resolution by the Town Council from time to time.

C. Location of Project.

A proposed AHC District must be located in an area within one-half (1/2) mile of existing or planned employment opportunities and/or shops and services.

D. Mixed Use Requirements.

A proposed AHC District may only be established if the project consists of a mixture of non-residential uses and residential uses that contain the minimum number of dwelling units and that meet the criteria identified in subsection A. The non-residential uses must be integrated in design with the residential uses and must provide employment opportunities for the residents of the district.

9A.6 TOWN’S INCENTIVES FOR ESTABLISHMENT OF DISTRICT

A. Infrastructure Assistance.

The Town may, upon application and after public hearing, accelerate and/or pay for some or all of the construction of infrastructure for the Development, and/or provide other economic incentives to the Developer such that the Target Rates for the Target Units can be achieved. Such Infrastructure Assistance may include construction of water, storm or sanitary sewer lines, streets or alleys, construction of screening fences, required by Ordinance to separate residential from commercial uses, and abatement or waiver of fees, including impact fees, and any other legally permissible assistance.

B. Commercial Assistance.

The Town may, upon application and after public hearing grant incentives, including tax abatements, for the non-residential uses proposed for the project, upon a finding that such portion will be developed in a manner to promote employment opportunities particularly directed at the owners or tenants of the attached housing units.

#### 9A.7 PROCEDURES FOR AHC DISTRICT

A. Procedures to Establish District

The property owner may initiate an application for establishment of an Attached Housing Commercial District. The application shall be considered an application for a zoning amendment and shall be processed in accordance with procedures in Chapter 23. The application shall set forth the following:

1. a statement of the purpose and intent of the district;
2. the permitted or conditional uses authorized (or restricted) in the district;
3. additional design standards and conditions applicable to development within the district;
4. waivers, if any, from standards applicable within the district;
5. required dedications or public improvements;
6. a concept plan, which shall be processed simultaneously with the zoning amendment application, illustrating how the location of the District and the proposed integration of residential uses and non-residential uses achieve the objectives of the District, and including the information required by Section 17.4(A);
7. a proposed guaranty and secured participation agreement containing the provisions required by Section 9A.5.2; and
8. a detailed request for the incentives identified in Section 9.A.6, if any.

B. Upon adoption of an ordinance establishing the district, the zoning map shall be amended to reflect the boundaries of the District. The adopting ordinance shall set forth items 1 through 5 as set forth in subsection (A), as approved; incorporate the approved concept plan for the District; and also shall set forth the incentives, if any, granted to the applicant.

C. Design Review Site Plan Procedures

1. Application and Processing.

Following establishment of the Attached Housing Commercial District, applications for development within the District shall be accompanied by a site plan to be reviewed by the Planning and Zoning Commission and approved by the Town Council. The applicant shall submit the site plan to the Town Administrator who shall review the application and forward the application to the Town Planning and Zoning Commission for its recommendation, in accordance with the procedures established in Chapters 21.

2. AHC Site Plan Requirements.

The site plan shall conform to the general content requirements for site plans set forth in Chapter 25 and also shall include the following:

- a. Existing and proposed improvements within the public right-of-way, including but not limited to the following: utilities, light posts, street furniture, landscape elements;
- b. Facade elevations;
- c. Parking areas with layout for automobile, motorcycle and bicycle spaces;
- d. Landscape plan;

3. Planning and Zoning Commission Recommendation.

The Planning and Zoning Commission shall review and makes its recommendation on the site plan to the Town Council in accordance with Chapter 21.

4. Town Council Decision.

Following receipt of the recommendation from the Commission, the Town Council shall take action upon the site plan in accordance with Chapter 21.

5. Approval Standards.

The Commission in recommending and the Council in taking action on the application for approval of a site plan shall consider whether the proposed development is consistent with the approved concept plan and adopting ordinance and satisfies the standards and conditions specified in the AHC\_district regulations and adopting ordinance.

6. Conditions.

The Planning and Zoning Commission may recommend and the Town Council may require such conditions and modifications of the site plan as are reasonably necessary to assure that the approval standards are met.