



DATE: February 18, 2020

CASE: Executive Summary for Articles 5, 7, 8, 9 and 10 (Group One Topics)

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revisions to Articles 5, 7 and 10 (aka “Group One Topics”). The City adopted the 2030 Land Use Plan (LUP) in 2018 and this revision is part of a wholesale rewrite of the Concord Development Ordinance (CDO) to align the ordinance with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

Note that the proposed Conservation Subdivision Ordinance (Section 9.13) was part of Group One Topics, and has been adopted separately from these changes. Council adopted this section in January. Furthermore, this summary includes only changes that are deemed to be substantive. Non-substantive changes that are cross-references or clarifiers and do not change the context or meaning of the ordinance are indicated on the attached strike-through. Also note that the illustrated changes do not include the entirety of the Ordinance, only those portions of the Ordinance that are changing, or where additions are occurring.

ARTICLE 7 SPECIAL PURPOSE AND OVERLAY DISTRICTS

7.6.1 A statement has been added to state that some dimensional regulations may be modified in certain instances through approvals of conditional district zoning petitions.

7.6.2.G This section clarifies that multi-family, townhomes or mixed-use structures shall be limited to 35 feet or two stories, if located within 100 feet of a lot used for detached single family residence or a duplex. This requirement is intended to provide for a transition of scale for higher intensity uses that may abut lower density residential areas.

Tables 7.6.2.A&B DENSITY AND DIMENSIONAL STANDARDS This item is the chart (and supporting notes) that summarize the minimum dimensional standards for the zoning districts. The supporting notes principally clarify modified dimensional requirements, but note 4 for Table 7.6.2.B allows for

approval of greater setbacks for structures that occupy an entire block in the Center City (downtown) zoning district. The CC district has a maximum setback of 10 feet, which may not be appropriate for such large structures.

7.7.2.C Subdivision Entries This section sets forth minimum development standards for residential subdivisions, such as fountains and water features, divided entries and prominent art objects.

7.7.3 HOUSING TYPES This section specifies that different housing types may be permissible through PUD, PRD and cluster site subdivision plan approval and that dimensional adjustments may be made on a case by case basis, and that densities are governed through the LUP.

7.7.4 SITE ELEMENTS This section has substantial changes. Items that are deleted include the section on reduced setbacks for side and rear loaded garages (7.7.4.C) and the illustration of different housing types (Figure 7.7.5). The reduced setback section has only been used in one instance and its intended objective can be accomplished through other provisions in the ordinance. The illustrations were non-regulatory, and in our opinion, did not serve a useful purpose. Additions to the section include clarifications for zero-lot line homes, and an allowance for a five-foot reduction of front setbacks for alley-loaded homes (which take access from the rear). Townhomes are also addressed with a requirement for front-loaded townhomes (which do not take access from an alley) to have a minimum lot width at least twice the width of the garage, and rear-loaded units have a minimum width of 20 feet. Additional requirements are that front loaded townhomes have garages recessed 4 feet behind the building front and that rear loaded townhomes may have front setbacks of 10 feet. This 24 foot setback is consistent with the setback requirements for attached single family structures.

The main feature of this section is the allowance for “cluster” subdivisions. These types of developments are similar to the conservation subdivisions (which are intended to be in rural areas subject to voluntary annexation) except that these subdivisions would require somewhat less open space and would actually mandate a mix of housing types. Approval of cluster development would be through the conditional district zoning process (which would require a site plan) and a minimum of 35% of open space is required, as opposed to 12% maximum with conventional zoning. Lot size reductions are allowed to be made in exchange for the increased open space. The housing type mix is proposed to require no less than 40 percent or not more than 80 percent of the dwelling mix may be single family detached. The remaining types may be patio or zero-lot line homes or townhomes. Multi-family would not be permissible through this specific process.

7.8 STANDARDS FOR MULTI-FAMILY DEVELOPMENT This section addresses the design standards for multi-family development. The ordinance includes a set of design principles to govern development of multi-family uses. Specific design standards include a requirement that adjacent buildings are

varied in scale or other design elements to ensure that “cookie cutter” development is avoided. The section also includes a requirement that developments of more than 240 units require provision of accessory storage structures (self-storage) on site.

7.9 CENTER CITY (CC) DESIGN STANDARDS The Center City design standards are proposed to include a section to specifically state that alternative exterior materials may be allowed by the Administrator. However, in such instances, the burden of proof is on the applicant to demonstrate that 1) the alternative materials result in a superior design and 2) the design is compatible with surrounding properties. The revision also removes the “open flags” provision from the ordinance. This was a provision that was never utilized.

7.10 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR COMMERCIAL DISTRICTS This section involves design standards for commercial zoning districts. The current ordinance has one set of design standards for all nonresidential zoning districts and it has been found that the current requirements are often not practical for the large structures utilized in industrial development. There is a provision proposed in this section also that allows the Administrator to modify certain sections if the modification results in equivalent or better design, and as with the requirement discussed above in CC zoning, the burden of proof for the modification rests with the applicant.

A sliding scale for redevelopment projects has been proposed with this section. The current ordinance does not address remodeling of a structure, only additions. This scale clarifies that major redevelopment (such as major interior upfit with a change of use) requires some level of compliance with the code. As proposed, when a remodeling project involves a structure less than 5,000 square feet of gross floor area in which the construction cost is more than 25% of the assessed value of the structure, the redevelopment will trigger a requirement that sidewalk will be required on the public street. When a project involves a structure of more than 5,000 sf and a construction cost greater than 25%, curb and gutter are required, along with sidewalks. For larger projects that exceed more than 50% of the assessed tax value, full compliance with section 7.10 is required (exterior materials, etc.) is required, except that nonconformities due to existing rooflines, walls and parking areas may be retained. The assessed value is based upon the Cabarrus County building valuation, and the construction cost is the figure reported on the County building permit application.

Also included is a height transition requirement that requires portions of commercial buildings that abut residential zoning district and exceed 35 feet, be set back an additional two feet for each one foot of height in excess of 35 feet. This measure is an additional tool to ensure compatibility between commercial and residential uses.

7.11 SUPPLEMENTAL DESIGN STANDARDS AND REQUIREMENTS FOR INDUSTRIAL DISTRICTS As discussed above, the existing nonresidential design standards are not always practical for industrial development, and as a

result, a set of industrial design standards are proposed. As with the commercial design standards discussed previously, the Administrator may allow modifications to individual requirements of the ordinance if the applicant can prove that the modifications result in equal or better design and that the alternative is compatible with properties in the vicinity.

This section requires that new development be compatible with adjacent properties which can be achieved through a combination of building design and landscaping. For developments with more than 250,000 square feet of floor area, and boulevard entrance with a 10-foot-wide center median is required.

Whereas the current ordinance requires all sides of structures to be finished (no bare metal walls), this revision makes an allowance for metal on walls not visible from adjacent property or from public streets (evidence must be provided by the applicant). The standards also allow the use of metal and split face block on walls that are visible but limits those to 20 percent of the wall. Another major change is that “metal wall panels” are added as an allowable building material. The design elements (windows, doors, columns, etc.) are similar to those required in the commercial districts in order to ensure that large expanses of visible building walls are avoided. The height transition requirement in the commercial standards is carried over to the industrial standards.

ARTICLE 8

Section 8.3.3 Temporary Family Health Care Structures A provision for temporary family health care structures has been included in the ordinance. The NC General Statutes mandate that cities allow these uses, which are intended to be utilized by either a person in need of healthcare, or by a caregiver. These uses are accessory to single family residences, are limited to 300 square feet in area, and are subject to a temporary use permit.

Section 8.3.5 COMMERCIAL USES Additions to this section include allowing very limited commercial uses as accessory to multifamily. Commercial uses are limited to 5 percent of the total floor area of the multifamily development and the use has to be on an arterial street (which would preclude commercial within established residential areas). The specific commercial uses are limited to convenience retail, restaurants and uses permissible in O-I, B-1 and C-1 uses.

ARTICLE 9

Section 9.11 Low Impact Development

This section has been amended to specify that all Low Impact Development (LID) projects shall be processed as a conventional zoning and shall not be subject to rezoning.

ARTICLE 10 DEVELOPMENT AND DESIGN STANDARDS

This section includes an amendment to reduce the maximum block length requirements for new residential subdivisions (from 1,800 to 1,000 feet) in order to obtain more connectivity. The section also introduces the language for major

and minor collector streets, as well as local streets as they relate to minimum right-of-way widths. This specific change aligns this section with the terminology in the Technical Standards Manual (TSM).

The section also introduces a new requirement for traffic calming measures. These measures will be reviewed on a case-by-case basis and may be accomplished by traffic circles, bump-outs, medians and on-street parking (for example). The staff has been requesting traffic calming measures with conditional district petitions, but this change will require these measures in by-right projects.

The connectivity ratio (the measure of how well a subdivision connects internally and to adjacent property) has also been amended. The change principally improves the definition of a “link” and “node” in calculating the ratio. The minimum ratio of 1.40 (links divided by nodes) has not changed. The maximum block lengths reductions as discussed above are anticipated to make attaining this ratio easier.