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CASE: Executive Summary for Proposed Section 9.13 – Conservation Subdivisions

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BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revision to Article 9 (conservation subdivisions). 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.

One of the recommendations of the Plan is to develop a set of development standards in the “Conservation Residential District”, which is one of the Community Character Areas as shown on the 2030 Growth Concept Map. This area is generally geographically defined as the area between NC 49, Flowes’s Store Road, Rocky River Road and Pine Grove Church Road,

This area is also subject to the Central Area Plan (CAP), which was adopted by Cabarrus County and the City of Concord. The City, through an agreement with the County, has agreed to administer the CAP for the areas within the Concord City limits. Some of the area encompassed by the CAP is served by public water and sewer but in order to preserve the rural character of the area, conventional subdivision development is not necessarily appropriate. This zoning district is intended to provide a mechanism for the preservation of prime agricultural land as well as the long term preservation of the required common open space.

Much of the land area within the Conservation Residential District is not within the City limits and the zoning would be applied after an annexation is approved.

CONTENTS OF SECTION 9.13

This section is a simplified summary/explanation of the contents of the Ordinance.

1. The ordinance creates an additional special purpose zoning district which is the Conservation Subdivision (CS) district. CS is a site plan controlled district (which requires approval of a specific plan with the rezoning). If an applicant were to not wish to pursue the CS designation in the

Conservation Residential Character Area, one of the lower density districts such as Residential Estate (RE) or Residential Low (RL) could be requested. These districts would be consistent with both the 2030 Plan and the CAP.

2. The initial step in applying for the CS designation is for the applicant to conduct a pre-application meeting with the Planning Department. The applicant is then required to submit maps and data regarding the presence of geologic resources, water bodies, tree cover and critical habitat.
3. After review of the above, and discussions with the staff, the applicant shall develop a concept plan based upon the design principles contained in the ordinance.
4. The ordinance requires certain physical features to be retained, and they are divided into primary and secondary conservation areas. Examples of primary conservation areas include floodplains, wetlands and very steep slopes. Secondary conservation areas include historic sites, trees larger than eight (8) inches in diameter and prime agricultural lands.
5. The common open space may have no more than 50% of the total in primary or secondary conservation areas to ensure that the open space may be utilized
6. Major requirements of the CS district include a requirement that 80 percent of the lots abut open space.
7. Maximum density is governed by the CAP and the amount of required open space is determined on a sliding scale (Table 9.13-1) based upon the proposed gross density. Minimum open space ranges from 30-50% of the land area of the site, whereas minimum open space for traditional subdivision is 12%.
8. The CS district minimizes the use of curb and gutter and maximize the use of swales (to maintain rural character).
9. The ordinance requires a management plan to ensure that the open space is protected in perpetuity. The open space may be owned and managed by a homeowner's association, a non-profit conservation organization, or if it furthers a long range planning or recreational goal, dedication to the City. The open space may also be owned by an individual and utilized for uses permissible in a conservation easement (such as agriculture).

SUMMARY

The CS district is a district which requires approval of a site plan with the rezoning. Any proposed development would be required to comply with this ordinance, and the petition would be further evaluated as to consistency with the 2030 Land Use Plan, most particularly Section 4.3.7 which addresses the Conservation Residential Character Area.