

TA 15-06 Residential Design Standards

PART 1: DESCRIPTION

On June 19, 2015 Session Law 2015-86 (Attachment 1) was approved clarifying when municipalities can enact zoning ordinances related to design and aesthetic controls for one and two-family dwellings under the North Carolina Residential Code. The Town of Huntersville's zoning ordinance must be amended to comply with Session Law 2015-86.

PART 2: BACKGROUND

The Town of Huntersville adopted a new zoning ordinance in 1996 and some of those original provisions must be modified to comply with Session Law 2015-86. The full text of amendments can be found in Attachment 2. A summary of the major changes are as follows:

1. In Article 3, clarify the "Compatibility with Surrounding Development" provisions do not apply to structures subject to the North Carolina Residential Code for One- and Two- Family Dwellings. (Attachment 2, page 1)
2. Adjust the Principles under Architectural Standards for Detached and Attached House types so there is no reference to a mandate (remove the word "shall"). Instead, the provisions under this subsection are recommendations (Attachment 2, pages 2-3).
3. Modify the provisions of Section 8.16 (Standards for Residential Garages and Parking in Residential Districts).
 - a. Since 1996, front loaded garages on lots greater than 60 feet in width have been required to be recessed at least 10 feet behind the primary plane of the structure (see photo below; exception for homes 1,400 sq. ft. or less). Because Session Law 2015-86 precludes the ability of municipalities to establish the location of garage doors (considered a "building design element" that cannot be regulated), the recessed garage provision will be removed and replaced with recommended techniques to minimize the emphasis on front loaded garages (Attachment 2, pages 4-5, subsection .4).



- b. Developers have the choice to establish build-to-lines as close as 10' to the public street right-of-way for detached and attached homes types. However, a driveway depth of at least 20' is needed so cars can park in the driveway without blocking the sidewalk. Therefore, a minimum driveway depth of 20' from the public right-of-way was established (Attachment 2, page 5, subsection .5)



- c. Since 1996, alley access has been required on lots 60 feet wide or less with some exceptions that have been adjusted over the years. Unlike most communities who establish a minimum lot width, Huntersville has allowed the development community to set the lot width (and lot area) in most zoning districts to meet market demands and allow a variety of housing choices (excluding Rural and Transitional Zoning Districts). The choice of lots widths comes with the requirement that an alley must be provided when lots are 60' or less in width (see photo below). Requiring an alley be provided was based on several reasons, including:



50'-Wide Lots w/ Alley



40'-Wide Lots w/ Alley



30'-Wide Lots w/ Alley

- Multiple driveway cuts along public streets on lots less than 60' wide make it difficult to provide on-street parking, a recommendation for attached house types and detached house types on lots 60' wide or less (Attachment 3 of Zoning Ordinance, page 5-6, subsection b). It can also make it more difficult to provide areas for curbside trash pick-up depending on lot widths established.
- Multiple driveway cuts close to one another increase points of conflict for pedestrians using the sidewalk and vehicles traveling on the street.
- Reduces construction costs when repair work is done in the public street right-of-way.
- Provides adequate area along public streets to install street trees and street lights.

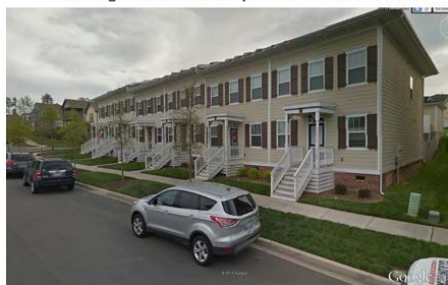
At this time, staff recommends detached and two unit attached house types have a lot width greater than 60 feet. Further, staff supports providing developers an option to choose lot widths of 60' or less for detached and two unit attached house types if an alley is provided (Attachment 2, page 4, subsection .1).



Homes less than 60' wide with alley across from homes on lots over 60' wide

- d. For three or more unit attached house types, it is not possible to achieve lots widths greater than 60'. Therefore staff supports strongly encouraging the use of alleys (Attachment 2, page 4, subsection 2).

Encourage the use of alleys for attached homes



Discourage the use of front load garage for attached homes



- e. When driveway access is provided from a public street, the widths of those driveways at the public right-of-way is recommended to be limited to 30% for detached and two-unit attached house types and 50% for three or more unit attached housing types. The reason for limiting driveway widths at the street right-of-way is to better accommodate on-street parking and curbside trash service, to minimize conflicts between pedestrians using the sidewalk and vehicles on the street, provide appropriate space for street trees and street lights, and minimize construction costs when repair work is done in the public street right-of-way (Attachment 2, page 4, subsection 3).

NOTE: STAFF CONTINUES TO WORK THE REAL ESTATE & BUILDING INDUSTRY COALITION ON THE TEXT AMENDMENT AND ANY ADJUSTMENTS MADE WILL BE PRESENTED AT THE PUBLIC HEARING.

PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

Relevant sections of the Huntersville 2030 Community Plan to the proposed amendment includes:

- Policy H-1: Development Pattern
Continue to follow existing residential development pattern as reflected in “Map of Zoning Districts,” focusing higher intensity development generally within two miles of the I-77/NC-115 corridor and lower intensity development east and west of this corridor extending to the Town boundaries.
- Policy H-7: Housing Affordability
Support appropriate mix of housing for all income levels.

PART 4: PUBLIC HEARING

To be held December 21, 2015

PART 5: STAFF RECOMMENDATION

Staff recommends approval of the text amendment as it is necessary to comply with Session Law 2015-86. The proposed amendments are consistent with Policy H-1 and H-7 of the Huntersville 2030 Community Plan. It is reasonable and in the public interest to amend the zoning ordinance because the development community is provided several options for subdivision design to meet a varied housing market.

NOTE: STAFF CONTINUES TO WORK THE REAL ESTATE & BUILDING INDUSTRY COALITION ON THE TEXT AMENDMENT AND ANY ADJUSTMENTS MADE WILL BE PRESENTED AT THE PUBLIC HEARING.

PART 6: PLANNING BOARD RECOMMENDATION

To be held January 26, 2016.

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment 1: Session Law 2015-86
Attachment 2: Proposed Ordinance Amendment
Attachment 3: Page 5-6 of the Huntersville Zoning Ordinance

PART 8: STATEMENT OF CONSISTENCY

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering TA 15-06, amending Articles 3, 4 & 8 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with Policy H-1 and H-7 of the Huntersville Community Plan.</p> <p>It is reasonable and in the public interest to amend the zoning ordinance because the development community will be provided several options for subdivision layout to meet a varied housing market.</p>	<p>APPROVAL: In considering TA 15-06, amending Articles 3, 4 & 8 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p><u>It is reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</u></p>	<p>APPROVAL: In considering TA 15-06, amending Articles 3, 4 & 8 of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p><u>It is reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</u></p>
	<p>DENIAL: In considering TA 15-06, amending Articles 3, 4 & 8 of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</u></p>	<p>DENIAL: In considering TA 15-06, amending Articles 3, 4 & 8 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent)</u> with <u>(insert applicable plan reference)</u>.</p> <p><u>It is not reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</u></p>