

**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 recommended by staff 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. Delete Architectural Standards for Detached and Attached House types (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 has been removed.



- 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:



- 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 and driveway widths.
- Multiple driveway cuts close to one another increase points of conflict for pedestrians using the sidewalk (reducing walkability) 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).



- 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).

### 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

Held December 21, 2015. Below are the comments presented at the public hearing from the meeting minutes.

Joe Padilla, 1201 Greenwood Cliff, Charlotte, Executive Director Real Estate and Building Industry Coalition, requested that the rear alley requirement be removed from the proposed language before voting for approval.

Rob Nanfelt, 1201 Greenwood Cliff, Homebuilders Association of Greater Charlotte Area, requested that the rear alley requirement be removed from proposed language.

### PART 5: STAFF RECOMMENDATION

Staff recommends approval of the text amendment (Attachment 2 as modified by the Planning Board on 2-23-16) 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 a residential detached and two-unit attached lot width option to meet a varied housing market.

Staff can also support, as does REBIC, an alternative (Attachment 6). It is staff’s position this amendment complies with Session Law 2015-86. While REBIC supports this amendment, they have indicated the proposal violates “... the spirit and intent of SL 2015-86, by effectively forcing the use of rear entry garages for lots 50' or narrower (through the alley requirement), and by forcing a garage setback for lots between 50' and 60' in width (through the maximum 12' curb cut, which forces a longer driveway).” (Attachment 7)

As noted in the public hearing comments, representatives of REBIC and the Homebuilders Association of the Greater Charlotte Area requested the rear alley “**requirement**” be removed in order for the text amendment to be consistent with the intent of Sessions Law 2015-86 (Attachment 2, page 4, #1, 2<sup>nd</sup> sentence). You will note the provision allowing lot widths 60' wide or less for detached and two-unit attached house types is an “**option**” chosen by the developer and not a requirement. Staff does not support violating the intent of Session Law 2015-86 and believes that proposed amendment (Attachment 2) complies with that law while allowing the development community an option on lot width flexibility. The same “option” language also appears in the staff/REBIC supported alternative amendment (Attachment 6, page 4, #1, 2<sup>nd</sup> sentence).

If the Planning Board or Town Board believe the staff endorsed text amendment (Attachment 2) violates the intent of Session Law 2015-86, then staff would offer an alternative amendment (Attachment 4) establishing a minimum lot width of greater than 60' for detached and two-unit attached house types in the Neighborhood Residential (NR) zoning district (Attachment 4, page 1 subsection 3.2.4(d)(1)). If a developer wanted to create lot widths of 60' or less for a detached or two-unit attached housing type, that could be accommodated in districts other than Rural, Transitional and Neighborhood Residential (Neighborhood Center (NC), Town Center (TC), Highway Commercial (HC), Traditional Neighborhood Development (TND) and Transit Oriented Development Residential (TOD-R) zoning districts) with a recommendation for alley access allowing on-site parking (Attachment 4 page 4, subsection 1).

Attachment 5 provides a comparison between the staff and Planning Board recommend amendment (Attachment 2), the alternative amendment (Attachment 4), and an amendment staff and REBIC supports (Attachment 6)

#### **PART 6: PLANNING BOARD RECOMMENDATION**

The Planning Board voted to endorse the staff recommendation (Attachment 2) by a vote of 7 (Bankirer, Lewis, Swanick, Sailors, Walsh, Price, Thomas) in favor and 1 opposed (Miller) on January 26, 2016. On February 1, 2016, the Town Board remanded TA 15-06 back to the Planning Board to consider an alternative amendment supported by staff and REBIC (Attachment 6). On February 23, 2016 the Planning Board voted to not recommend the alternative amendment supported by staff and REBIC (Attachment 6) by a vote of 4 in favor (Sailors, Thomas, Miller, Walsh) and 5 opposed (Swanick, Davis, Bankirer, Lewis, Price). The Planning Board then unanimously voted to support the original staff recommendation (Attachment 2) with the additional option for developers to have lots 60' wide or less without alleys through a conditional rezoning.

#### **PART 7: ATTACHMENTS AND ENCLOSURES**

Attachment 1: Session Law 2015-86

Attachment 2: Staff and Planning Board Recommended Proposed Ordinance Amendment with 2-23-16 Modification

Attachment 3: Page 5-6 of the Huntersville Zoning Ordinance

Attachment 4: Alternative Proposed Ordinance Amendment with NR Minimum Lot Width

Attachment 5: Comparison of Text Amendments

Attachment 6: Alternative Proposed Ordinance Amendment Staff & REBIC Support

Attachment 7: Correspondence Between Staff and REBIC on Attachment 6 Alternate Amendment

**PART 8: STATEMENT OF CONSISTENCY**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering TA 15-06, amending Articles 3, 4 &amp; 8 of the Zoning Ordinance, the Planning staff recommends approval of Attachment 2 or Attachment 6 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><b>APPROVAL:</b> In considering TA 15-06, amending Articles 3, 4 &amp; 8 of the Zoning Ordinance, the Planning Board recommends approval of the staff proposal Attachment 2 based on the amendment being consistent with policies of the Huntersville Community Plan.</p> <p>It is reasonable and in the public interest to amend the zoning ordinance because of the need to control the driveway cuts and aesthetics of the neighborhood and have options available for the development community to meet a varied housing market.</p>	<p><b>APPROVAL:</b> In considering TA 15-06, amending Articles 3, 4 &amp; 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><b><u>It is reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</u></b></p>
		<p><b>DENIAL:</b> In considering TA 15-06, amending Articles 3, 4 &amp; 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><b><u>It is not reasonable and in the public interest to amend the Zoning Ordinance because... (Explain)</u></b></p>