



DATE: September 19th, 2023

CASE: TA-04-23 Text Amendment to Establish Neighborhood Infill Residential District (NRD)

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BACKGROUND

As the Commission recalls, earlier this year, the staff drafted a text amendment for your consideration relative to allowing tiny home and cottage home developments. (TA-01-23). The amendment allowed for the development of these uses under certain instances by right (and in compliance with specific development standards) in the RC and RV districts. Council voiced some concerns about the approach of allowing these uses by right (without a public hearing), but not necessarily with the specific design standards. Planning staff posed some options to Council and at their direction, we have drafted a zoning district to allow tiny and cottage homes (Neighborhood Infill Residential District). This district is not an overlay but is a standalone site-plan controlled district.

Since we have viewed tiny and cottage homes as infill options, this district is set up to allow the addition of other types of infill residences (and their respective design standards) as they are deemed appropriate.

The design standards that the Commission unanimously recommended to Council in February are unchanged. The only difference is the process for approval which is now the requirement for a site-plan controlled rezoning.

This report details the new process and summarizes the previously reviewed design standards.

ORIGINAL TINY HOME DRAFT SUMMARY

As the Commission is aware, the subject of “tiny homes” has been a trending land use. More and more people are embracing the concept of smaller homes, whether they are empty nesters or single persons. Staff has been fielding an increasing number of inquiries relative to tiny homes and other types of small homes.

Numerous jurisdictions have adopted regulations to allow for development of smaller homes on small lots, or on one overall parcel.

Staff has researched adopted ordinances in other jurisdictions, most particularly Kannapolis, Burlington, Raleigh and Asheville. The basic approach in the draft is based principally upon the Kannapolis model.

Along with tiny homes, we have included “cottage homes” as an option also. This type of development is a somewhat larger home on a smaller lot than the smallest standard

residential lot (5,000 square feet) and is known in some jurisdictions as “pocket developments”. In addition to providing potential affordable housing units, both the tiny and cottage homes offer options for infill development.

When researching this proposal, staff prepared rough layouts of tiny and cottage home developments on a few parcels within the City to ensure that the requirements would work. A local architect with tiny home experience has provided feedback and suggestions, which have been incorporated into the draft.

PROCESS

The tiny and cottage home developments are proposed to be permissible only within the newly created Neighborhood Infill Residential District (NRD) which is proposed to be included in the CDO as Section 9.14. This district would function similarly to the Planned Unit Development district (PUD) and would be a standalone district and not an overlay.

The NRD district is only permissible on land designated Urban Neighborhood by the 2030 Land Use Plan. This designation is where the highest density residential developments (aside from the Center City area) should occur and is in the designation where most of the Residential Compact (RC) zoning is located. One of Council’s areas of discussion was that allowing these uses in Residential Village (RV) zoning is too permissive, so this approach addresses that concern.

A site plan is required for rezoning to this district, and the petition would be processed as with any other conditional district where a site plan is required.

We have included an intent and purpose statements in Section 9.14.1 and 9.14.2. For ease of use, and the possibility that there will be more infill housing types included in this ordinance section, we have included definitions that are particular to this district within this section and not in Article 14 (similar to the LID and Conservation District requirements).

DESIGN STANDARDS

As previously stated, the design standards are identical to those that were recommended to Council earlier in the year.

TINY HOMES 9.14.4.1.A

Tiny home developments are proposed to be allowed on parcels of land zoned that are between 10,000 square feet and two (2) acres in size and are located in the Urban Neighborhood designation. This parcel range was selected in order to encourage the development as infill as opposed to larger tracts of raw land. Each parcel would be required to have at least 50 feet of street frontage in order to accommodate an adequate vehicular access. The number of tiny homes permissible would be a minimum of four (4) and a maximum of eighteen (18) with the maximum density of 18 units per acre.

Tiny homes could be designed either with units on one parcel, or with units on individual lots. If units are on individual lots, the maximum lot size is 4,000 square feet, and interior setbacks are five (5) feet, or ten (10) feet between units if the project is not subdivided.

All homes are proposed to be setback at least ten (10) feet from a public street or five (5) feet from a front lot line or from common area/vehicular access if the project is not

subdivided. The maximum building height is two (2) stories. Minimum open space is thirty (30) percent of the overall parcel and an eight (8) foot type A buffer is required around the perimeter. Sixty (60) percent of the lots are required to front the common open space, which is required to be provided at the rate of 350 square feet per unit. These open space requirements ensure that a portion of the overall 30 percent open space is set aside for common use. Maximum floor area for a tiny home is 600 square feet.

Vehicular access to each development is to be provided through a shared private driveway, and developments will have to be designed to accommodate solid waste collection at the public street.

Parking may be provided within a common parking area and is encouraged to be placed either to the side or rear of the structures and is required at the rate of two (2) spaces per dwelling. Low impact development (LID) techniques are encouraged for stormwater, if required.

If individual platting of lots is proposed, subdivision would be required to follow the requirements of Article 5 after approval of the rezoning petition.

COTTAGE HOMES 9.14.4.1.B

This section is organized similarly to the tiny home requirements. The only items that differ are the minimum overall lot size (15,000 square feet), the maximum lot size, if platted (5,000 square feet), maximum floor area (1,500 square feet), and minimum lot width, if subdivided (20 feet). Article 5 is applicable if subdivision is proposed.

The cottage home standards have been drafted to address numerous inquiries by developers who seek to construct smaller homes (but not as small as tiny homes) on small lots to address either empty nesters, first-time buyers, or to provide affordable housing. Previous developments with these characteristics have been processed as TND (Traditional Neighborhood Development) Infill projects as no other alternative existed.

The proposed amendment is in approval form, and upon the consensus of the Commission, may be referred to the City Council for consideration.

ARTICLE 9

SPECIAL PURPOSE AND OVERLAY DISTRICTS

*Summary: This Article provides information on special purpose zoning districts in the City of Concord including Planned Unit Development, Planned Residential Development, Mixed Use Districts, Traditional Neighborhood Districts, Manufactured Home Park District, Public Interest District, Conservation Subdivision ~~and~~ Residential County Originated **and Neighborhood Infill Residential**. It also includes information on the overlay districts of the Historic Preservation, Airport, Manufactured Home Park, and the Copperfield Boulevard Corridor Overlay District.*

9.1 Planned Unit Development (PUD)	2
9.2 Planned Residential Development (PRD)	7
9.3 Mixed Use Districts	13
9.4 Traditional Neighborhood District (TND)	50
9.5 (Hold)	-
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9.8 Historic Preservation Overlay (HPOD) Districts	64
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For the Watershed Overlay Districts - See Article 4. There are three water related overlay districts. The water shed around the Coddle Creek Reservoir (Lake Howell) and Coddle Creek is a WS II watershed, and is discussed at section 4.2. The watershed around Lake Concord is a WS IV watershed and can also be found at section 4.2. All of the rest of Concord is located in the watersheds controlled by the National Pollution Discharge Elimination System Phase II Stormwater Permit issued by the State of North Carolina. Sections 4.3 through 4.7 contain the standards for the balance of Concord outside of the Coddle Creek and Lake Concord watersheds.

9.14 NEIGHBORHOOD INFILL RESIDENTIAL (NRD) DISTRICT.

9.14.1 Intent.

This district is intended to allow for the efficient development and redevelopment of housing in underutilized areas. Neighborhood infill standards provide the opportunity for property owners to achieve more efficient urban-type development that can be achieved through conventional suburban development. These standards provide for a range of different infill housing types that may be deemed appropriate in particular geographic areas on a case-by-case basis.

9.14.2 Purposes.

This ordinance is adopted for the following purposes:

- A. To guide the future growth and development consistently with the comprehensive plan;
- B. To guide site analysis to plan appropriate areas for development of higher density residential development;
- C. To provide for compatible development of housing on underutilized properties by allowing for additional review of individual projects on a case-by-case basis;
- D. To ensure availability of adequate infrastructure for development on smaller parcels;
- E. To ensure that adequate on-street and/or off-street parking and safe vehicular movement is provided;
- F. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- G. To provide buffering adjacent to lower density residential uses; and
- H. To meet demand for varied housing types in an urban setting.

9.14.2 Applicability and Compliance.

The NRD district may be applied only to land designated as Urban Neighborhood by the 2030 Land Use Plan. The NRD district is a site plan-controlled district that requires Planning and Zoning Commission review and approval.

9.14.3 Definitions

- A. **Cottage Home:** A site-built single-family detached dwelling not exceeding 1,500 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation.
- B. **Cottage Home Development:** A neighborhood consisting of cottage homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.
- C. **Tiny Home:** A site-built single-family detached dwelling not exceeding 600 square feet of heated floor area, meets applicable requirements of the North Carolina State Building and Housing Codes, and is placed on a permanent foundation. A tiny home that is located on the same lot as a principal dwelling unit is an accessory dwelling unit.
- D. **Tiny Home Development:** A neighborhood consisting of tiny homes, either on individually platted lots or on one parcel, sharing driveways, common areas, site improvements and amenities.

9.14.4 Application Procedure and Approval Process

NRD developments shall be processed as a conditional district zoning amendment (with a site plan required) and shall follow the procedures established in Section 3.2.

9.14.4.1 Development Types

Following are specific development standards applicable to different types of development that are deemed appropriate as infill projects.

A. **Tiny Homes**

1. Tiny home developments are permissible subject to the following dimensional requirements. A tiny home that is located on the same lot as a principal dwelling is an accessory dwelling unit (See Section 8.3.3.C). A tiny home on wheels is considered a recreational vehicle and is permissible only as a temporary dwelling in accordance with other applicable sections of this ordinance.

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	10,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of	4

dwelling	
Maximum number of dwellings	18
Maximum lot size (if subdivided)	4,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	600 sf
Minimum lot width (if subdivided)	None
Minimum setback from public street	10 feet
Minimum front setback	5 feet ¹
Minimum side setback	5 feet ²
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot)

1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.

2. Ten (10) feet is required between units if the individual units are not subdivided.

2. Tiny homes may be developed either on individually platted lots or within one overall parcel.
3. Each development shall provide common elements and site improvements for the benefit of each dwelling unit. These elements shall include a central green or common area and a pedestrian network that connects to public sidewalk.
4. Parking shall be provided at a rate of 2 spaces per unit and may be provided within an individual driveway and/or within a common parking area. To the greatest extent possible, parking shall be located either on the side or rear of the homes, or under the home, if elevated.
5. Low Impact Development (LID) measures for stormwater treatment are encouraged.
6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.
7. Common areas may include an amenity structure.
8. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.
9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.

10. Tiny home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

B. Cottage Homes

1. Cottage home developments are permissible only subject to the following dimensional requirements.

Feature	Minimum Requirement
Maximum Density	18 units per acre
Minimum Street Frontage (overall parcel)	50 feet on a public street
Minimum Lot Size (overall parcel)	15,000 sf
Maximum Lot Size (overall parcel)	2 acres
Minimum number of dwellings	4
Maximum number of dwellings	18
Maximum lot size (if subdivided)	5,000 sf
Minimum lot size (if subdivided)	None
Maximum floor area	1,500 sf
Minimum lot width (if subdivided)	20 feet
Minimum setback from public street	10 feet
Minimum front setback	5 feet ¹
Minimum side setback	5 feet ²
Maximum building height	2 stories
Minimum open space	30 percent of overall tract
Perimeter buffer	8' type A (see Section 11.4.2. Must be within common space and cannot lie within an individual platted lot

1. Minimum distance from front lot line, or from common area/vehicular access if individual units are not subdivided.
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5. Low Impact Development (LID) measures for stormwater treatment are encouraged.
6. Sixty percent (60%) of all individual lots or dwellings shall front the common open space. Common open space shall be provided at a rate of 350 square feet of area for each dwelling.
7. Common areas may include an amenity structure.
8. Each development shall be served by a privately maintained shared drive at least 20 feet in width, including proper access easements for the benefit of all dwellings.
9. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
10. Cottage home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.