



DATE: April 19, 2022

CASE: TA-12-21 Text Amendment (Article 7 - Townhomes)

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

As the Commission is aware, the staff has been in the process of revising the Concord Development Ordinance (CDO) to respond to the recommendations contained in the 2030 Land Use Plan. We have been incrementally working on the revisions with the assistance of Tindale Oliver and Michael Lauer Planning.

One of the remaining items is the revision to the townhome requirements. As we have discussed previously, townhome developments (single family attached) pose challenges that are not present with single family detached developments. These challenges include, but are not limited to utility provision (water, sewer, etc.), garbage collection, parking and maneuvering and landscaping.

This item has been in process for quite a while, and has been recently revised to allow an option for front-load units based upon a concern with statutory compliance.

The item has been posted for comment and notice of the amendment was sent to nearly 300 persons via email. The amendment has been posted on the City's webpage for comment. As of the date of this report, no comments have been received.

The Executive Summary (which was posted online) and the proposed ordinance is attached.

The City's staff will provide a thorough presentation of the recent changes to ensure that the Commission understands the changes.

At the consensus of the Commission, the item can be referred to City Council for public consideration at the May meeting.



DATE: March 22, 2022

CASE: Executive Summary for Townhome/Townhouse
Development Regulations

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revisions to Article 7 (Base Zoning Districts) as they relate to minimum standards for townhome development. (Note that the NC Building Code designates them as “townhouses”.) The CDO defines a townhome (or townhouse) as “A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

The nature of townhome development, coupled with our zoning regulations, pose several challenges related to administration. These include:

- Closely spaced prominent driveways which lead to safety concerns on front load units;
- Lack of front yards and landscaping;
- Difficulty in provision of public services such as trash and garbage collection;
- Smaller lot sizes which, which coupled with driveway location, lead to utility conflicts; and
- Inability to provide enough space for healthy street trees due to the above factors.

In terms of development styles, townhomes are typically either developed as “front-load” or “rear-load” units. Front-load units have their driveways and/or garages from a major street at the front of the homes whereas rear-load units take access off of an alley or a common parking area.

The City initially proposed an ordinance amendment to require all townhomes to be served by a rear alley. After further examination it was determined that the North Carolina General Statutes’ prohibition of the regulation of the location of garage doors would preclude this requirement.

The staff has examined a way to alleviate the above issues related to front-load units. The proposed amendment retains the majority of the previously proposed design language that applies to alley loaded units and proposes new standards for front-load units.

The amendment changes Section 10.3.1 to clarify that minimum driveway coverage requirements are also applicable to front load townhouse units. The existing 30% maximum coverage for front yard driveways is proposed to be increased to 40% and the amendment specifies that all minimum technical standards must be met (such as driveway spacing, utility separation and street trees). Townhouse units that utilize a 20 -foot wide driveway (two car widths) are allowed to exceed the 40% requirement if all other technical standards as discussed above, are met. Note that the increase from 30% to 40% is also applicable for single family detached units, and not just townhomes.

Section 7.7.4 is proposed to be amended to add a section for front-load townhomes that refers to the revised Section 10.3.1. This section reiterates that all technical standards must be met and refers to the Technical Standards Manual (TSM) for specifics.

The previously developed design requirements for rear load units are proposed to remain when those units are developed.

SUMMARY

Main features of the proposed revisions to Section 7.7.4 include:

- All attached homes are required to front on a public or private street, or an open space such as a town square
- Two off-street parking spaces are required per unit and may be provided within a garage. In lieu of providing parking on the individual parcel, part or all of the required parking may be provided on-street or within a common parking area. Additional parking (for visitors) is required at the rate of one space per two units and may also be provided on-street or within a common parking area. Visitor parking is not required for front-load units with the wider two-car driveways.
- Alleys are to be constructed to a minimum width of twelve (12) feet for one-way traffic and sixteen (16) feet for two-way traffic.
- Minimum setbacks for rear-load units are ten (10) feet from all streets. Setbacks from the alley to the garage are also a minimum of ten (10) feet. Groups of structures are proposed to be a minimum of fifteen (15) feet apart.
- Rear-load units are required to provide off-street parking along one side of the main street. Curb extensions are required on the street to provide adequate room for street trees.
- Duplex and triplex projects, which have shared driveways and are on existing lots of record, as of the date of adoption of the ordinance, are exempt from these requirements.

These changes are intended to provide clear guidance relative to new townhome development and to ultimately achieve safer and more efficient design. The changes are also intended to help the City achieve safe and simpler provision of public services/utilities and to provide for the establishment of a desirable street tree canopy.

10.3. PARKING AND LOADING

10.3.1. General Standards

A. Applicability

The provisions of this Section shall apply to any application for Zoning Clearance or Site Plan approval, except for developments in the CC district:

- ~~1. Detached single-family dwellings or duplex developments on individual lots of record (except that single-family units and duplexes shall maintain an improved area large enough to accommodate two off-street parking spaces not to exceed 30 percent of the area of the front yard); or~~
- ~~2. All developments in the CC district.~~

B. Front Yard Parking Standards

1. Applicability

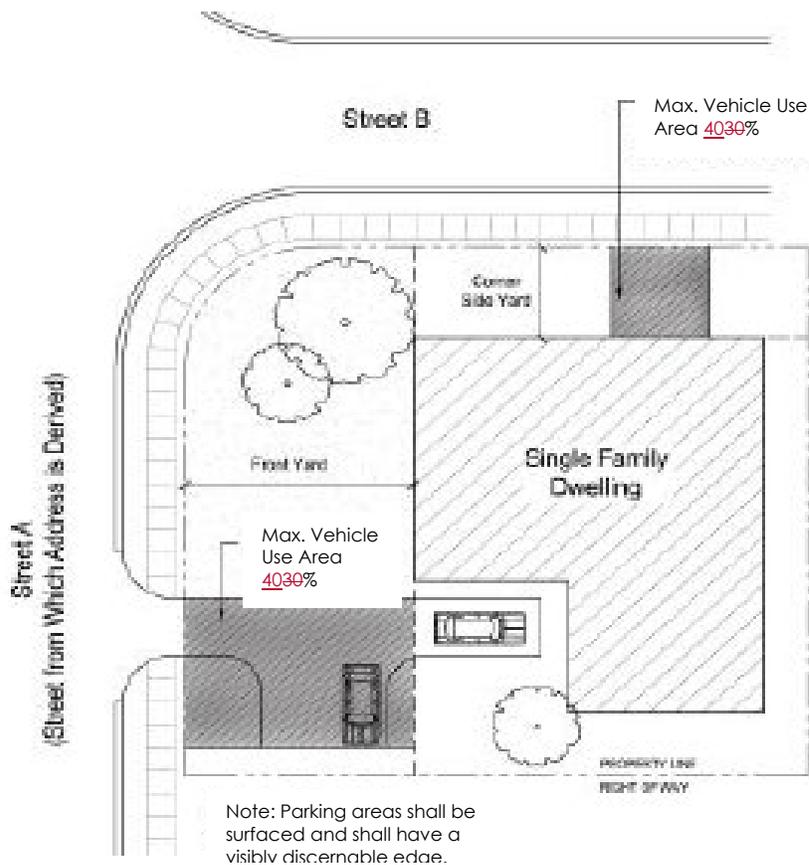
Parking is permitted in the front yards of any single family (detached or attached), duplex, triplex or quadplex dwellings in any zoning district other than agricultural.

2. General

No person shall park or store any motor vehicle, boat, trailer or recreation vehicle in the front yards (between the street and a line drawn parallel to the street from the point of the dwelling that is closest to the street) other than completely upon an improved driveway or improved parking pad.

3. Coverage of Improved Area

Improved parking and drive areas shall ~~be limited in size to 18 feet by 18 feet and shall~~ not exceed ~~430%~~ of the structure's front yard, except that front-load townhouse units with 20-foot wide driveways may exceed 40% maximum provided that all other development regulations in this Ordinance and the infrastructure requirements of the Technical Standards Manual (TSM) are met. (See Section 7.7.4.E). Access to the improved front yard area shall be limited to properly approved curb cuts or other approved access points. Improved parking and drive areas shall be maintained in a safe and sanitary condition, and shall not contribute to soil erosion or tree damage. Proposed improved parking area shall be installed so as to avoid creating standing water conditions, diverting runoff onto neighboring property owners, or adversely impacting stormwater water quality.



4. Surfacing

Improved parking or vehicular use areas shall be surfaced with asphalt, concrete, brick or other suitable pavers. Gravel or crushed stone may be used if the gravel is at least two (2) inches deep throughout the vehicular use area, and the vehicular use area has a visible and definable edge made of landscape timbers, metal edging, vegetation such as low shrubs or decorative grasses, or similar technique to distinguish the vehicular use area from the front or corner side yard area.

5. Exceptions

- a. Parking in the front yard may be allowed for a special event or circumstance but will require a permit issued by the Chief of Police for such event or circumstance. Permitted events will be limited to two per year per residence.

- b. The prohibitions shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the City to perform a public service. However, this exception shall apply only when an emergency situation requires that such vehicles park in the prohibited area.

E. Special Standards for Townhouses

Purpose: The City of Concord recognizes that the physical characteristics of townhouse developments pose a distinct set of service challenges as compared to traditional detached single-family developments. The following standards are intended to provide for 1) the safe movement of vehicles and pedestrians; 2) an adequate amount of resident and visitor parking; 3) the safe provision of public utilities and services; 4) the provision of green space; and 5) the creation of a functional, healthy and sustainable permanent shade tree canopy.

Townhouses may have vehicular access on a principal street (front-load) or on an alley (rear-load).

1. Requirements for front-load townhouses.

- a. Townhouse driveways are prohibited on streets that are functionally classified as collectors or higher.
- b. All new townhouse developments with driveways on public or private streets shall meet the minimum provisions of Section 10.3.1, as well as all other minimum infrastructure requirements of the Technical Standards Manual (TSM), including but not limited to driveway spacing, utility location, and street tree planting.
- c. Two off-street parking spaces shall be required per unit, and may be provided within a garage.
- d. In addition to the required parking spaces for each unit, parking to accommodate visitors shall be provided at a rate of one space for each two units with driveways less than 20 feet in width, and may be provided either as on-street spaces or within a common off-street parking area (or a combination thereof). Visitor parking shall not be required for townhouses with 20 foot-wide driveways.

2. Requirements for rear-load townhouses.

- a. All townhouse units shall front on a public or a private street or on an improved open space such as a town square, park or a green and shall be served by a rear alley or common parking area. Alleys

shall be at least twelve (12) feet in paved width to accommodate one-way traffic and at least sixteen (16) feet in paved width to accommodate two-way traffic. Individual driveways for dwelling units are permissible only on alleys. Parking within the pavement of the alley shall be prohibited.

- b. Per Section 10.2.5 all private streets shall be constructed to public street standard with the exception of alleys. Construction details for alleys are included in Article 2 of the Technical Standards Manual (TSM).
- c. Alleys shall be designed with a minimum turning radius of thirty (30) feet where they intersect streets and shall be constructed in such a manner as to allow service vehicles to complete turns within the boundary of the alley. Alleys shall be designed in such a manner as to be interconnected to allow through traffic and to avoid dead ends.
- d. Side yards are not required for interior townhouses, but a minimum street setback of ten (10) feet shall be provided along front and corner yards, and building separation requirements of fifteen (15) feet shall be maintained for all groups of townhouse units. Where lot lines are not established or where units are condominiumized, the building setback shall be measured from the back of sidewalk.
- e. Driveways from the rear alley shall be no closer than three (3) feet from the interior side property line. Where interior lot lines are not established or where units are condominiumized, six (6) feet is required between driveways;
- f. Two off-street parking spaces shall be required per unit, and may be provided within a garage. In lieu of providing the required parking spaces on the individual parcel, either a portion of, or all of the required spaces may be provided on-street or within a common off-street parking area.
- g. In addition to the required parking spaces for each unit, parking to accommodate visitors shall be provided at a rate of one space for each two units, and may be provided either as on-street spaces or within a common off-street parking area (or a combination thereof).
- h. Fences and/or walls on the site shall be constructed in such a manner as to allow unobstructed access to all utility meters and easements.
- i. On street parking shall be provided along at least one side of the public or private street. On the side(s) of the street where parking occurs, the planting strip for street trees may be eliminated, but the sidewalk shall still be required. In lieu of the eliminated planting strip, foundation plantings comprised of woody shrubs with a mature height of no more than four (4) feet

shall be installed at a four (4) foot spacing along the building foundation.

- j. On the side of the street where no parking is proposed, street trees shall be planted in accordance with Section 11.7.4. In order to provide a traffic calming measure and to ensure a street tree canopy, curbs shall be extended out in the areas of required building separation between groups of structures to create “bump-outs *” for the planting of street trees. Street trees shall be installed in bump outs at the end of parallel parking spaces.
- k. The minimum setback from the alley (for the garage) is ten (10) feet measured from the exterior building wall of the structure to the edge of pavement. No minimum side setbacks are required for detached garage structures.
- l. All gas, electric service meter points and fiberoptic services shall be located in the rear. City owned water meters or sewer cleanouts shall not be installed within the limits of the townhouse driveway.
- m. Adequate space shall be provided along the alley for safely storing garbage and recycling receptacles without interfering with the maneuvering area within the alley.

*Bump-out: A curb extension on residential or low volume streets that create an effect to calm traffic and to slow traffic speeds considerably.