# City of Concord Planning \& Zoning Commission <br> Meeting Agenda <br> Tuesday, February 21, 2023 at 6:00 PM <br> <br> City Hall Council Chambers - 35 Cabarrus Avenue West <br> <br> City Hall Council Chambers - 35 Cabarrus Avenue West <br> III. APPROVAL OF THE MINUTES - Motion, second, and vote needed. 

I. Call to Order - Chair
II. Changes to the Agenda
IV. OLD BUSINESS

1. $\mathrm{Z}(\mathrm{CD})-20-22--$

Niblock Homes, LLC has submitted a Zoning Map Amendment application for $+/-48.347$ acres of property located at 2601 Eva Dr. NW from RC-CD (Residential Compact-Conditional District), RM2 (Residential Medium Density), and O-I (Office Institutional) to RC-CD (Residential CompactConditional District) to add 7.551 acres and 24 units to the existing Cumberland Neighborhood. Added acreage includes: PINs 5610-60-8138, 5611-70-1105, and 5610-79-5613.
a. Open Public Hearing by Motion - Motion, second, and vote needed.
b. Staff Presentation
c. Staff Recommendation
d. Applicant's/Proponent's Testimony
e. Opponent's Testimony
f. Close Public Hearing by Motion - Motion, second, and vote needed.
g. Recommend Statement of Consistency by Motion - Motion, second, and vote needed.
h. Recommend Zoning and LUP Amendment by Motion - Motion, second, and vote needed.

## V. NEW BUSINESS

1. Z-24-22

Heaven Properties, LLC has submitted a Zoning Map Amendment application for $+/-3.7$ acres of property located at 2508 Poplar Tent Rd. from RM-2 (Residential Medium Density) to C-2 (General Commercial District). PIN 5610-79-4253.
a. Open Public Hearing by Motion - Motion, second, and vote needed.
b. Staff Presentation
c. Staff Recommendation
d. Applicant's/Proponent's Testimony
e. Opponent's Testimony
f. Close Public Hearing by Motion - Motion, second, and vote needed.
g. Approve Statement of Consistency by Motion - Motion, second, and vote needed.
h. Approve/Deny Zoning Amendment by Motion - Motion, second, and vote needed.

## 2. TA-01-23

Consider a text amendment to CDO Articles 7, 8, and 14 to address the development of tiny and cottage homes, and to amend minimum spacing in multifamily developments
a. Staff Presentation
b. Commission Guidance-- Motion, second, and vote needed

## VI. Recognition of Persons Requesting to be Heard

## VII. Matters not on the Agenda

## VIII. ADJOURNMENT

DATE:
REZONING CASE \#:
ACCELA CASE \#:
DESCRIPTION:

## APPLICANT:

OWNER:

LOCATION:

PIN\#s:

AREA:

ZONING:

PREPARED BY:

February 21, 2023
Z (CD)-20-22
CN-RZC-2022-00011
Zoning Map Amendment
RC-CD (Residential Compact-Conditional District), RM-2 (Residential Medium Density), and O-I (Office-Institutional) to RC-CD (Residential Compact Conditional District)
Niblock Homes, LLC
Niblock Homes, LLC, Niblock-Richardson Development II, LLC, Peachtree Residential, LLC, Peachtree Residential NC, LLC, Skateland of Kannapolis, Inc., Nell D Frye LTD Partnership, Twisted Off, LLC, Dogwood and Pines, LLC, Jack M. and Rosemarie D. Stein

South side of Eva Drive, between the intersections of Lucky Drive NW and Eva Drive NW, and Tiffany St NW and Eva Drive NW

PINs: 5610-60-8138, 5611-70-1105, 5610-79-5613, p/o 5610-69-6441
48.347 acres ( $40.84+/-$ acres original project $+7.551+/-$ acres expansion)

RC-CD (Residential Compact-Conditional District), RM-2 (Residential Medium Density), and O-I (Office-Institutional)

Scott Sherrill, AICP, Planning and Development Manager

## BACKGROUND

This project is a 7.551 acre expansion to add 24 additional units to the Cumberland subdivision. The Cumberland rezoning was approved by City Council as Case $Z(C D)-22-19$ on January 9 , 2020. The original rezoning for Cumberland consisted of four (4) parcels and portions of three (3) parcels, totaling +/- 40.84 acres: portions of the original Cumberland subdivision have already been final platted. The expansion consists of three parcels and a portion of a fourth parcel. The overall subdivision has two points of frontage on the south side of Eva Dr. NW and is north of Poplar Tent Rd. The subject parcels were part of an involuntary donut hole annexation, effective $12 / 31 / 95$ and were largely undeveloped prior to the Cumberland subdivision, although at one point the western part of the subdivision was a component of the Frye's amusement complex as a driving range and rail track.

## SUMMARY OF REQUEST

The applicant has proposed to rezone the property to RC-CD (Residential Compact Conditional District) in order to expand a previously approved single-family detached residential neighborhood. This project would be considered infill as it would be developed between already established single-family lots. A site plan has been submitted as a condition of the rezoning request. The original subdivision site plan depicted a maximum of 120 lots at $2.94 \mathrm{du} /$ a with a minimum lot size of $5,100 \mathrm{sf}$ : the revised site plan reflects 144 lots with a new density of 2.98 du/a. The minimum lot size for RC (Residential Compact) is $5,000 \mathrm{sf}$ and the maximum density is $15 \mathrm{du} / \mathrm{a}$. The average lot size reflected on the site plan is $6,558 \mathrm{sf}$. Lots 1 through 120 feature a 24' garage setback/20' front setback, 5' side setback, and 5' rear setback; Lots 121-144 will feature a 7' side setback, which is consistent with the RC zoning district, but front and rear setbacks will align with lots 1-120.

The required open space for the proposed zoning classification at the current density level is $10 \%$ or 4.83 acres. Approximately $33.87 \%$ or 16.36 acres is provided, with .99 acres of active common open space, and 15.36 acres of passive open space. The active space has been reduced from the prior rezoning request, which included 1.32 acres, but the ordinance does not have a specific ratio for active vs. passive open space. The applicant provided elevation renderings as part of the conditions of the $Z(C D)-22-19$ rezoning, depicting the style of homes to be built. The Cumberland Subdivision is age-restricted by deed.

The applicant, in accordance with the CDO, sent a certified letter to adjoining property owners and recognized neighborhoods on December 2, 2022.

The rezoning site plan has been reviewed and conditionally approved by all applicable departments. In accordance with the CDO, the DRC has agreed that the plan is complete and meets standards required for a rezoning site plan, and therefore may be heard and considered by the Planning and Zoning Commission.

| Existing Zoning and Land Uses (Subject Parcel) |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: |
| Current <br> Zoning of <br> Subject <br> Property | Zoning <br> Feet | Within 500 | Land Uses(s) of Subject Property | Land Uses within 500 Feet |  |
| RC-CD <br> (Residential | North | RM-2, C-2 | Residential Subdivision and Vacant | North | Single-family, Auto Repair |
| Compact- | South | RM-2, C-2 |  | South | Residential, Recreational |
| Conditional | East | RM-2, O-I |  | East | Single-family, Vacant |
| District), RM-2 <br> (Residential Medium Density), and O-I (OfficeInstitutional) | West | RC-CD |  | West | Single-Family, vacant |

## COMPLIANCE WITH 2030 LAND USE PLAN

The subject property has two different land use categories that encompass the subject property.

The 2030 LUP designates a portion of the subject property as "Commercial," and "Suburban

Neighborhood." The Commercial land use category includes a mix of commercial land use types. While these areas continue to support additional commercial development and redevelopment, much of the new commercial development should be concentrated within the Mixed-Use Activity Centers and Village Centers. RC (Residential Compact) is a corresponding district to the Commercial land use category; however, for consistency, it is recommended that the future land use for the entire area be updated to Urban Neighborhood.

The three (3) parcels that provide access into the proposed development are designated as "Suburban Neighborhood," which allows for a variety of housing types stating: "The Suburban Neighborhood (SN) Future Land Use category includes single-family areas that are formed as subdivisions or communities, with a relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from low-density single-family homes to denser formats of smaller single-family homes. In areas designated Suburban Neighborhood, homes are typically oriented interior to the neighborhood and are typically buffered from surrounding development by transitional uses or landscaped areas." RC (Residential Compact) is not a corresponding zoning district to the "Suburban Neighborhood" land use category, and therefore is not consistent with the land use plan. Approval of the rezoning plan would require a Land Use Plan amendment by City Council.

Objective 1.6: Provide a diverse mix and range of housing options throughout the City that will accommodate the current and future needs of the citizens of Concord.
Policy Guidance for Objective 1.6:

- Infill Housing: Promote a variety of compatible infill housing types in areas with access to adequate facilities and services.

Goal 4: Ensure compatibility between neighboring land uses.

## Policy Guidance for Objectives 4.1 to 4.3:

- Land Use and Intensity Transitions: Zoning use and site development standards should promote a gradient in the type and intensity of uses. For instance, higher density residential development can provide a compatible transition between medium-density residences and neighborhood commercial centers.
- Buffers: Buffers should be used to screen uses and activities that may detract from the enjoyment of adjacent land uses. Where large buffers are not necessary, the landscape design should soften land use transitions.
- Building and Site Design Standards: Where land use transitions are necessary to support a walkable mix of uses or housing types, a variety of development standards should ensure that the location, scale, height and orientation of buildings and site improvements provide for compatible transitions.
- 

Objective 6.2: Protect the natural resource base of the City and surrounding areas through a combination of strategic acquisitions, open space preservation requirements within new development and incentives for private land preservation initiatives.

## Policy Guidance for Objective 6.2:

- Open Space Mandates: Continue to require the preservation of open space within every new residential subdivision or develop a requirement for payments in lieu of open space preservation. Consideration for expanding requirement to include some non-residential uses.
- Tree Preservation: Encourage tree preservation in new development.
- Incentives: Evaluate the use of conservation subdivision design, density bonuses and other incentives to foster the preservation of open space in excess of mandates.
- Partnerships: Seek partnerships and funding to develop an inter-connected greenway system throughout the community and region. Support the efforts of land trusts and conservation groups as they acquire parcels of land for conservation.


## Suggested Statement of Consistency

- The subject property is approximately 48.347 acres, of which 7.551 acres is an addition to an approved subdivision. Portions of the previously approved subdivision are already developed as residential, and the expansion is vacant of development.
- The subject property was involuntarily annexed effective December 31, 1995.
- The proposed zoning amendment would be consistent with the Commercial Land Use category. However, the overall request for rezoning is inconsistent with the 2030 Land Use Plan (LUP) as RC (Residential Compact) is not considered a corresponding zoning district to the Suburban Neighborhood land use category and the proposed development cannot occur without the subject parcels located within the Suburban Neighborhood land use category. The request does meet the intent for the Suburban Neighborhood land use category in accordance with Land Use Plan Policy Guidance 1.6, as the request is for smaller lot infill development which could provide a new variety of housing in the area. It also furthers the Land Use Plan's intent by setting aside open space in excess of the minimum.
- The zoning amendment is reasonable and in the public interest as it demonstrates compatibility with several aspects of the 2030 Land Use Plan such as maximizing open space and providing a variety of housing type in the area. Furthermore, the proposal would allow for a transition between the lower density/larger lot single-family detached to the north and the commercial and approved multi-family developments directly to the south.


## Suggested Recommendation and Conditions

The staff finds the request partially consistent with the 2030 Land Use Plan, and will require an amendment to the Land Use Plan in order to provide consistency. The plan also meets the requirements of the Concord Development Ordinance. Because this petition is a conditional district request, the Commission, should they decide to approve the request, may, according to Section 3.2.8.E of the CDO, suggest "reasonable additional conditions or augment those already provided with the petition, but only those conditions mutually agreed upon by the petitioner and the Commission or Council may be incorporated into the approval. Any such condition should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space and other matters that the Commission or Council may find appropriate."

In the event that the Commission recommends the petition, staff recommends the following conditions:

1. Compliance with the "Cumberland Subdivision Rezoning Plan" dated 11/15/22.
2. Compliance with the "Cumberland" residential elevations.
3. Compliance with the open space/amenity detail sheet dated $11 / 15 / 22$.
4. Compliance with the rezoning application dated 10-14-19.
5. Site density not to exceed 2.98 dwelling units per acre and minimum lot size of 5,100 square feet.
6. Development will not exceed 144 single-family dwellings.
7. Minimum front setbacks are 24 ' unless garages are recessed four feet from the front plane of the house.
8. Open space areas, as depicted on the plan, will be preserved and maintained by the HOA.
9. Preliminary subdivision approval and technical site plan shall be required.
10. TIA will need to be approved prior to site plans.
11. All fire and life safety general comments as noted on CN-ZC-2022-00011.
12. Any movement of existing COC electric utilities can be at owner/developer cost

## Procedural considerations

This particular case is a rezoning to a conditional district, which under the CDO, is "legislative" in nature. Legislative hearings DO NOT require the swearing or affirming of witnesses prior to testimony at the public hearing. Due to the land use plan amendment, the Planning and Zoning Commission will be making a recommendation to City Council.

3061 EVA DR NW, CONCORD NC 28027
2/16/2023 8:10:21 AM

## General Conditions

FIRE
General Comments
1.Additional comments may be generated upon first technical submital.
2This iurisdiction abides by and entorces the requirements of NEPA 24
2.This jurisdiction abides by and enforcest the requirements of NFPA 241 for construction projects. A document we refer to as an NFPA 241 letter is required veritying that all parties involved in this project know of and agree, to abide by
3.When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall
be installed and made seviceable prior to and during the time of construction except when approved alternative methods of protection are provided. (NCFC 501.4)
4.Needed Fire Fow for the structure must be provided and maintained
inch characters in a reflective material \& contrasting color. (NCFC 505.1)
6.Approved fire apparatus access roads shall be providded for every facilly or building within the jurisidiction. The fire
apparatus access shall extend to within 150 feet of al porions of the facility as measured by an approved route around
apparatus access shall extend to within 150 feet of all portions of the facility as measured by an approved route around
the exterior of the facility. (NCFC 503.1.1)
feet. (NCFC 503.2.1)
8.Fire access roads shal have unobstructed clearance of 13 foot 6 inches. (NCFC 503.2.1)

The required tuning radius of fire access roads shall be determined by the fire official. (NCFC 503.2 .4 )
10.Dead end access roads
areas where access may be blocked. Blockage to accesess atter construction may result in ituture requirenents tor
stripping and signage. Contact Concord Fire Marshal's office prior to to lane stripping for details. All lanes shall be marked

12.Fire Hydrants - Public hydrants shall be painted yelow and Private Hyoranis shall be painted Red. Al new hydran shall be equipeed with a 5 " Storz fiting.
signage. (NCFC 912.1). The location may not obstruct access to the wuidings for other fire appartus due hose
connection (NCFC 912.2) see section 912 for details on FDC's.
14.Fire Hydrants are required within 200 feet of the location of the FDC.
15.Structures under construction are required to have temporary fire exinguishers on site during construction.
16.F.Fire apparatus access roads shall not exceed 10 percent in grade. (NCFC D103.2)
17.Please see Concord Fire \& Life Safety Web Page for details and speifictions
(hthp://wwr.concordnc.gov/Departments/Fire/Fire-Prevention-Division/Fire-Prevention-Division-Downloads).
Please understand that approval of these documents in no way relieves the owner, architect, or engineer from responsibility related to violations of the governing codes and regulations not found by our ffice or other reviewing agencies. When such violations are found they must te corrected.
-The Occupancy of the building/upfit area shall not be conducted prior to a Certificate of Compliance \& Occupancy being
obtained from the Cabarus County Building Inspection Department.

Applicant Name, Address, Telephone Number and email address: $\qquad$
Niblock Homes, LLC, 759 Concord Pkwy N, Suite 20, Concord, NC 28027
704 788-4818,wniblock@niblockhomes.com
Owner Name, Address, Telephone Number: $\qquad$
see attached list

Project Location/Address: Eva Drive, Concord, NC
P.I.N.: see attached list

Area of Subject Property (acres or square feet): 48.347 acres
Lot Width: $\qquad$ Lot Depth: $\qquad$
Current Zoning Classification: RC - CD, RM-2 AND OI
Proposed Zoning Classification: RC - CD
Existing Land Use: Residential and vacant
Future Land Use Designation: Residential
Surrounding Land Use: North residential South residential, commercial and vacant
East residential West residential
Reason for request: add 7.51 acres to the existing Cumberland neighborhood

Has a pre-application meeting been held with a staff member? yes
Staff member signature: $\qquad$ Date: $\qquad$

Planning \& Neighborhood Development

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# THIS PAGE APPLICABLE TO CONDITIONAL DISTRICT REQUESTS ONLY 

(Please type or print)

1. List the Use(s) Proposed in the Project:
residential single-family detached age restricted neighborhood
$\qquad$
$\qquad$
$\qquad$
$\qquad$
$\qquad$
2. List the Condition(s) you are offering as part of this project. Be specific with each description. (You may attach other sheets of paper as needed to supplement the information): see submitted plans
$\qquad$
$\qquad$
$\qquad$
$\qquad$
$\qquad$
$\qquad$

I make this request for Conditional district zoning voluntarily. The uses and conditions described above are offered of my own free will. I understand and acknowledge that if the property in question is rezoned as requested to a Conditional District the property will be perpetually bound to the use(s) specifically authorized and subject to such conditions as are imposed, unless subsequently amended as provided under the City of Concord Development Ordinance (CDO). All affected property owners (or agents) must sign the application.
 William T. Niblock, Authorized Signer

| see attached list |  |
| :--- | :--- |
| Signature of Owner(s) | Date |

Planning \& Neighborhood Development
35 Cabarrus Ave W - P. O. Box 308 - Concord, NC 28025
Phone 704-920.5152 - Fax 704-920-6962 www.concordnc.gov
Page 3 of 4

High Performance Living
Application for
Zoning Map Amendment

## Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: $\qquad$

Applicant Signature:


Property Owner or Agent of the Property Owner Signature:
see attached list

Planning \& Neighborhood Development



|  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  |
| 56105917260000 | lot 40 | Peacturee Residentai LLC | 7380 McGinnis Ferry Md, Sinanee, GA 30024 |  |
| 56105907640000 | lot 41 | P | - | " |
| 56105907130000 | lot 42 | * | * | * |
| 56114093720000 | lot 74 | * | * | " |
| 56105909300000 | lot 83 | - | - | * |
| 56105909830000 | lot 84 | * | * | $\cdots$ |
| 56105919250000 | lot 8 S | * | $\bullet$ | n |
| 56105919880000 | 10186 | * | - | $\cdots$ |
|  |  |  |  |  |
| 56114095940000 | lot 70 | Peachtree Residential NCLLC | 7380 MeChnnts Fery Rd, Simaniee, GA 30024 |  |
| 56114094890000 | lot 71 | ' | * | " |
| 56114094830000 | 1 lot 72 | - | * | * |
| 56114093780000 | lot 73 | * | * | n |
|  |  |  |  |  |
| 56116091560000 | 1.59 ac 2615 Eva Dr | Skatelond of Kannapoils inc. | 2800 Poplar Tent Rd, Concord, NC28025 | $x$ |
|  |  | - | - . . |  |
| 56106965710000 | 10.74 c | Nell D Five LID Partnershlp | 2800 Poplar Tent Rd, Concord, NC28025 | $X$ |
|  |  |  |  |  |
| 56104977740000 | Lot 43 | Twisted Off LL | 7320 River fren Co, Lewisulle, NC 27023 | $\text { blate } 82$ |
|  |  |  |  |  |
| 56107956130000 | 4.93 c | Dogwood and Pines LC | 800 Wilhelm Place NE, Concord, NC. 28025 | $\text { pomen } D(G, \operatorname{low}$ |
| 56117011050000 | 1.57 ac 2601 Eva Dr | * | . |  |
|  |  |  |  | A hase |
| 56104967650000 | lot 45 | Lack M. and Rosemarie D. Steln | 3053 Alveston Dry, Concord, NC. 28027 |  |
|  |  |  |  |  |
|  |  |  | page 3 of 3 |  |






## Z(CD)-20-22

 LAND USE PLAN
## Rezoning application

 RC-CD (Residential Compact Conditional District),RM-2 (Residential Medium Density) \& O-I (Office-Institutional)

## to

## RC-CD (Residential Compact -

 Conditional District)3061 Eva Dr NW PINs: 5611-60-8138, 5611-60-9156, 5611-70-1105, 5610-79-5613 \& part of 5610-69-6441






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Elevations from Z(CD)-22-19



## The Avondale

## Dogwood Collection



## The Woodhaven



## The Linden



Mumburamimiviviriv
Staff Report
Planning and Zoning Commission

## DATE:

REZONING CASE \#:

ACCELA:

DESCRIPTION:

February 21, 2023
Z-24-22

CN-RZZ-2022-00014

Zoning Map Amendment
RM-2 (Residential Medium Density) to C-2 (General Commercial)

## APPLICANT/OWNER: Heaven Properties LLC

LOCATION: 2508 Poplar Tent Rd.
PIN\#s:
5610-79-4253

AREA:
+/-3.7 acres

PREPARED BY:
Autumn C. James, Senior Planner

## BACKGROUND

The subject property consists of one (1) parcel comprising approximately 3.7 acres on the north side of Poplar Tent Rd.

To the north of the property the zoning is RM-2 (Residential Medium Denisty), and the properites to the north are single-family residential or vacant. The adjacent property to the east is zoned as O-I (Office-Institutional District) and is vacant. The properties to the south and west are zoned as RM-2 (Residential Medium Denisty) and contain single-family residential homes.

## HISTORY

The property was annexed into the City on December 31, 1995, and has been occupied by a single family residence since 1959. Heaven Properties, LLC acquired the property by deed recorded in Cabarrus County Register off Deeds Book 15852 Page 195 on February 16, 2022.

## SUMMARY OF REQUEST

The applicant is requesting to rezone the subject property from RM-2 (Residential Medium Density) to C-2 (General Commercial) for future commercial use.

This request is for straight zoning of C-2 (General Commercial) and not a conditional district, therefore, all permitted uses with the C-2 (General Commercial) zoning classification would be allowed on the site.

| Existing Zoning and Land Uses (Subject Parcel) |  |  |  |  |  |
| :--- | :--- | :---: | :---: | :--- | :--- |
| Current <br> Zoning of <br> Subject <br> Property | Zoning Within 500 <br> Feet |  | Land Uses(s) of <br> Subject <br> Property | Land Uses within 500 Feet |  |

## Compliance with 2030 land use plan

The 2030 Land Use Plan (LUP) designates the subject property as "Commercial" for which C-2 (General Commercial) is listed as a corresponding zoning district.

## From the 2030 Land Use Plan - "Commercial":

The Commercial Future Land Use category includes a mix of commercial land use types. While these areas continue to support additional commercial development and redevelopment, much of the new commercial development should be concentrated within the Mixed-Use Activity Centers and Village Centers. Strip commercial development along major corridors is discouraged in the 2030 Plan. Instead, commercial development integrated into Mixed-Use Activity Centers at key intersections is desired. Areas designated as Commercial are intended to represent those that include a variety of commercial uses at different intensities, including large scale malls, lifestyle centers, and community shopping centers.

## Policy Guidance:

Objective 1.3: Ensure that the Future Land Use Map allows sufficient development opportunities to meet existing and projected needs for residential, commercial, industrial and other land uses..

## Suggested Statement of Consistency

- The subject property is approximately $+/-3.7$ acres acres and is zoned City of Concord RM-2 (Residential Medium Density).
- The property was annexed into the City on December 31, 1995.
- The proposed zoning is consistent with the 2030 Land Use Plan (LUP) as C-2 (General Commercial) is a corresponding zoning classification to the Commercial Land Use Category.
- The zoning amendment is reasonable and in the public interest as it is consistent with the existing zoning surrounding the subject property and the adjacent commercial uses.


## Suggested Recommendation and Conditions

The staff finds the zoning map amendment consistent 2030 Land Use Plan and staff has no objections to the petition.

## Procedural considerations

This particular case is a rezoning, which under the CDO, is legislative in nature. Legislative hearings do not require the swearing or affirming of witnesses prior to testimony at the public hearing. As the request is not a Conditional District no conditions may be applied.

High Performance Living
(Please type or print)
Applicant Name, Address, Telephone Number and email address: $\qquad$
Heaven Properties LLC, 4600 NC Hwy 49 S, Harrisburg NC 28075 (heavenproperties@hotmail.com)
C/O - Carlos Moore Architect PA, 222 Church St NE, Concord NC 28025 (704-788-8333)

- mmoore (t) morreareh.eom

Owner Name, Address, Telephone Number: Heaven Properties, LLC, 4600 NC Hwy 49S
Harrisburg NC 28075 (704-312-5183)

Project Location/Address: 2508 Poplar Tent RD, Concord NC
P.I.N.: 5610-79-4253

Area of Subject Property (acres or square feet): $\quad 3.7$ acres
Lot Width: 340
Lot Depth: 452
Current Zoning Classification:

```
RM-2
```

Proposed Zoning Classification: C-2

Existing Land Use: vacant residential
Future Land Use Designation: $\qquad$
Surrounding Land Use: North $\qquad$ South RM-2
East O-I West RM-2
Reason for request: To develop small retail or commercial space or office space

Has a pre-application meeting been held with a staff member? $\qquad$
Staff member signature: $\qquad$ Date: $\qquad$

NORTH CAROLINA Application for
High Performance Living
Zoning Map Amendment

## Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the City of Concord Development Services Department.

Date: $12 / 5 / 2022$






Staff Report
Planning and Zoning Commission
DATE:
CASE: TA-01-23 Text Amendment to Adopt Requirements for Tiny Homes and Cottage Homes

Prepared By:

## BACKGROUND

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.

In concert with the tiny and cottage home requirements, staff has also proposed a change to Section 7.8 , which cleans up a loophole on the applicability of the ordinance and reduces minimum building spacing for multifamily development in some instances. This item will make setback applicability consistent across these types of development.

## ARTICLE 14 - DEFINITIONS

Definitions have been crafted for tiny homes, tiny home development, cottage home and cottage home development. Tiny homes are up to 600 square feet of heated floor area and are placed on a permanent foundation. (tiny homes on wheels would be considered recreational vehicles and are subject to different standards). Cottage homes are defined as up to 2,000 square feet of heated area, also placed on a permanent foundation. Both types of development are defined as being either on individual lots or on one parcel with common site improvements and amenities.

## TABLE 8.1.8 USE TABLE

Tiny and cottage homes have been added to the use table as uses "permitted with standards" with cross references to Sections 8.3.3.G and 8.3.3.H respectively.

## SECTION 8.3.3.G - TINY HOMES

Tiny home developments are proposed to be allowed on parcels of land zoned Residential Village (RV) or Residential Compact (RC) that are between 10,000 square feet and two (2) acres in size. 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 fifteen (15) with the density based on $125 \%$ of the zoning district. For example, RV allows eight (8) units per acre and RC fifteen (15) units per acre. Tiny home yields would therefore be ten (10) per acre in RV and eighteen (18) per acre in RC zoning.

Tiny homes would be allowed by right (no rezoning or special use permit), and can 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 three (3) 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.

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.

Again, approvals for tiny home developments would be by right, and if individual platting of lots is proposed, subdivision would be required to follow the requirements of Article 5.

## SECTION 8.3.3.H - COTTAGE HOMES

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 ( 2,000 square feet), and minimum lot width, if subdivided ( 20 feet). The approval process would also be by right, with Article 5 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.

## SECTION 7.8.2 - MULTIFAMILY DESIGN STANDARDS

The cottage home requirements would allow the development of up to fifteen (15) units on a single overall parcel under two acres, but there have been other instances where staff has fielded inquiries for larger developments which include single story dwellings (often one unit per structure) that would be placed on an overall parcel. Because these units are not to be on individual lots (subdivided) they would be subject to the multifamily standards which require twenty (20) feet between units. This spacing is double the spacing that would be required if a property line existed between the units (5-foot interior setback.)

As the consistent spacing between structures for tiny and cottage homes, and singlefamily structures in RV and RC is ten (10) feet, staff is proposing to clarify that single-story dwellings in a multifamily scenario could meet that requirement in lieu of the twenty (20) foot spacing. Section 7.8 .2 is proposed to be amended to state that the multifamily standards are applicable to four or more units and that triplexes are not subject to the multifamily requirements. These tweaks bring the multifamily standards into consistency with the use table and the duplex and triplex development requirements.

## CONCLUSION

These changes to the CDO, when taken in total, allow development alternatives for tiny homes and cottage homes and provide relaxed spacing requirements for single story buildings in multifamily developments.

## Definitions:

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.

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.

Cottage Home: A site-built single-family detached dwelling not exceeding 2,000 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.

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.

### 8.1.8. Use Table

| USE CATEGORY | SPECIFIC USE | AG <br> ¢ | щ | RESIDENTIAL |  |  |  |  | COMMERCIAL |  |  |  |  | IND |  | Standards |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  | 㐫 | $\sum_{2}^{\top}$ | $\sum_{\alpha}^{N}$ | $\gtrless$ | Y | ¢ | $\overline{\boldsymbol{\omega}}$ | U | $\bar{ن}$ | N | 「 | ㄲ |  |
| OPEN USES |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Agriculture | Animal Production and Support Facilities | P | PS | PS |  |  |  |  |  |  |  |  |  |  |  | 8.3.2.A |
|  | Crop Production | P | P | P | P | P | P | P | P | P | P | P | P | P | P |  |
|  | Crop Production Support Activities | P |  |  |  |  |  |  |  |  |  |  |  | P | P |  |
|  | Farm Product Sales, Raw Materials | P |  |  |  |  |  |  |  |  |  |  |  |  | P |  |
|  | Farm Supply Store without outdoor storage | P |  |  |  |  |  |  |  |  |  |  | P | P | P |  |
|  | Farm Supply Store with outdoor storage | P |  |  |  |  |  |  |  |  |  |  | PS | PS | P | 8.3.5.J |
|  | Sawmill/lumber processing | S |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Swine Farm | S |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Warehousing and Storage, farm related products | P |  |  |  |  |  |  |  |  |  |  |  |  | P |  |
|  | Livestock Auction | PS |  |  |  |  |  |  |  |  |  |  |  |  | PS | 8.3.2.B |
| Resource <br> Extraction | All Resource Extraction (except borrow pit) | SS |  |  |  |  |  |  |  |  |  |  |  |  | SS | 8.3.2.C |
|  | Borrow Pit | P |  |  |  |  |  |  |  |  |  |  |  | P | P |  |
| RESIDENTIAL USES (See 8.2.2(b)) |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Household Living | Mixed Use <br> Dwelling/Live-Work Unit |  |  |  |  |  |  |  | P | P | P | P | P |  |  |  |
|  | Single Family Detached Dwelling, Single-Family Modular Home | P | P | P | P | P | P | P | PS |  |  |  |  |  |  | 7.7 |
|  | Single Family Attached Dwelling, |  |  |  |  |  | PS | PS | PS |  |  |  |  |  |  | $\begin{gathered} 7.7 \& \\ \text { 7.7.4.I } \end{gathered}$ |
|  | Multifamily Dwelling/Apartment |  |  |  |  |  | SS | PS | PS | PS | PS | PS | SS |  |  | 7.8 |
|  | Duplex/Triplex |  |  |  |  |  | PS | PS |  |  |  |  |  |  |  | $\begin{array}{\|c\|} \hline \text { Tables } \\ \text { 7.6.2.A \& } \\ \text { 7.6.2.B } \\ \hline \end{array}$ |
|  | Tiny Homes |  |  |  |  |  | PS | PS |  |  |  |  |  |  |  | 8.3.3.G |
|  | Cottage Homes |  |  |  |  |  | PS | PS |  |  |  |  |  |  |  | 8.3.3.H |
|  | Accessory Dwelling | PS | PS | PS | PS | PS | PS | PS |  |  |  |  |  |  |  | 8.3.3.C |

## G. Tiny Homes

The purpose of this section is to provide affordable housing options in an infill setting and to allow for creative and innovative designs that ensure adequate provision of open space, circulation and parking.

1. Tiny home developments are permissible only in the RV and RC zoning districts subject to the following dimensional requirements.

| Feature | Minimum Requirement |
| :--- | :--- |
| Maximum Density | $125 \%$ of zoning district maximum |
| 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 dwellings | 4 |
| Maximum number of dwellings | 15 |
| 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 | 3 stories |
| Minimum open space | 30 percent of overall tract |
| Perimeter buffer | $8^{\prime}$ type A (see Section 11.4.2. Must be <br> within common space and cannot lie within <br> 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.
3. Tiny homes may be developed either on individually platted lots or within one overall parcel.
4. 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.
5. Parking shall be provided at a rate of 2 spaces per unit and may be provided within 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.
6. Water shall be provided through a master meter with internal private water and sewer service.
7. Low Impact Development (LID) measures for stormwater treatment are encouraged.
8. 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.
9. Common areas may include an amenity structure.
10. 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.
11. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
12. Tiny home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

## H. Cottage Homes

The purpose of this section is is to provide affordable housing options in an infill setting and to allow for creative and innovative designs that ensure adequate provision of open space, circulation and parking.

1. Cottage home developments are permissible only in the RV and RC zoning districts subject to the following dimensional requirements.

| Feature | Minimum Requirement |
| :--- | :--- |
| Maximum Density | $125 \%$ of zoning district maximum |
| 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 | 15 |
| Maximum lot size (if subdivided) | 5,000 sf |
| Minimum lot size (if subdivided) | None |
| Maximum floor area | 2,000 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 | 3 stories |
| Minimum open space | 30 percent of overall tract |
| Perimeter buffer | 8 <br> withpe A (see Section 11.4 .2. Must be <br> an indinidual platted lot <br> an individuat lie within |

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.
3. Cottage homes may be developed either on individually platted lots or within one overall parcel.
4. 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.
5. Parking shall be provided at a rate of 2 spaces per unit and may be provided 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.
6. Water shall be provided through a master meter with internal private water and sewer service.
7. Low Impact Development (LID) measures for stormwater treatment are encouraged.
8. 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.
9. Common areas may include an amenity structure.
10. 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.
11. Developments shall be designed in order to adequately accommodate solid waste collection at the public street.
12. Cottage home developments proposing individually platted lots shall follow the subdivision process detailed in Article 5.

## STANDARDS FOR MULTI-FAMILY DEVELOPMENTS

### 7.8.1. PURPOSE

The purpose of this Section is to provide reasonable design standards for multi-family residential developments which:
A. provide design flexibility that fosters creative integration of buildings and common areas and discourages homogenous building design;
B. accommodate affordable housing for current and future residents of the City;
C. protect the health, safety and general welfare of the general public and occupants of the units;
D. protect the property values of surrounding properties;
E. retain open spaces to protect the environment and provide opportunities for passive and active recreation or residents;
F. promote a pedestrian-friendly, walkable streetscape;
G. provide for aesthetically pleasing development patterns; and;
H. achieve the design principles of Figure 7.8-1 through compliance with the design standards in this Section 7.8.

Figure 7.8-1. Multi-Family Design Principles


| Design Principles | Examples |  |
| :---: | :---: | :---: |
| Mobility. Establish a safe and comfortable environment, encouraging walking and bicycling. |  |  |
| Landscaping. Use appropriate plantings to soften buildings and create more desirable areas for walking and bicycling within the development. |  |  |

### 7.8.2. APPLICABILITY

A. The provisions of this Section shall apply to multi-family residential developments for five (5)-four (4) or more dwelling units as permitted by Table 8.1 of this Ordinance.
B. Single-family homes, and duplexes and triplexes on individual lots are exempt from the standards of this Section, but still must follow Section 7.7.
C. The City may modify bulk and density and/or parking and access standards for multifamily residential developments and single-family attached residential developments in TND, TOD, MX, PRD, PUD and conditional zoning districts, or approve open space and other design standards that result in a product that better achieves the design principles in Figure 7.8-1.

### 7.8.3. RULES OF CONSTRUCTION

For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or proposed dwelling units within any tract of land plus all existing or proposed multi-family residential dwellings on any adjacent property under common ownership shall be counted.

### 7.8.4. BULK AND DENSITY STANDARDS

Notwithstanding any provision of Section 7.6.2 of this Ordinance to the contrary, the lot size, lot width, setback, and building separation standards shall conform to Table 7.6.2-A and 7.6.2-B.

### 7.8.5. OFF-STREET PARKING AND ACCESS STANDARDS

All projects shall conform to the parking requirements of Article 10.
A. Access to Public Street(s)

Developments with 40 or more dwelling units should have direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan. Developments for 100 dwelling units shall to have two (2) direct entrances onto at least one (1) major and/or minor thoroughfare as shown on the Thoroughfare Plan.
B. Off-street Parking

Multi family developments shall be subject to the following parking requirements:

1. No parking space shall be located in the required setbacks, except for the rear setbacks.
2. No off-street parking space shall be located closer than 10 feet to any residential building wall.
3. Access/Driveway Design
A. No driveway shall be located closer than 15 feet to any wall of a residential building.
B. All proposed drives shall be improved in accordance with the Manual.
C. For developments of 40 or more dwelling units, a divided ingress-egress driveway with a landscaped median for all entrances from public streets shall be provided for all developments.
D. Median design shall be in conformity with the Manual.

### 7.8.6. COMMON OPEN SPACE

Common open space areas shall be required in accordance with Table 10.5 except as provided below:
A. The Administrator may waive up to $50 \%$ percent of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail or bikeway.
B. The open space requirements of this Section shall not apply to multifamily residential developments, which are second floor units above first floor commercial development, or to any residential developments in the CC zoning district, which are above the first floor.

### 7.8.7 OPEN SPACE CHARACTERISTICS

Land designated as open space shall be maintained as active open space and may not be separately sold, subdivided, or developed except as provided below. Open space shall be required in accordance with Section 10.5.
A. Open Space Provisions and Maintenance Plan Required Any areas reserved as open space shall be indicated on a site plan. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

1. designate areas to be reserved as active open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site; and
2. specify the manner in which the open space shall be perpetuated, maintained, and administered.
B. Spacing and Dimensional Limitations

In order to ensure that all designated open space has suitable size, location, dimension, topography and general character, and proper road and/or pedestrian access, as may be appropriate, to be usable open space, the following standard shall apply:

1. Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least 30 feet across its narrowest dimension.

## C. Use of Stormwater Detention Basins

Retention areas or detention basins which are required as part of this Ordinance shall not qualify as an open space area unless 50 percent or more of the active and usable area is above the 10-year storm flood elevation and is designed for multiple uses and the area(s) conforms to the requirements of Subsections 1 and 2 below:

1. Retention or detention areas shall meander through the subdivision as a greenbelt, rather than as a single basin. Retention areas shall be improved so as to be useable and accessible. Retention areas shall not be inundated so as to be unusable for their designated recreational purposes.
2. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming, and contouring are required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three-toone slope.
D. Preservation of Open Space

Open-space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Openspace areas may be owned, preserved, and maintained by the owner(s) of the development or a homeowner's association, which assumes full responsibility for its maintenance. The approved site plan shall provide that, in the event that any private owner of open space fails to maintain the open-space according to the standards of the Ordinance at the time of site plan approval, City Code Enforcement Officers may, following reasonable notice, require that deficient maintenance be corrected and direct appropriate City staff, or a private contractor, to enter the open space for maintenance
purposes. The cost of such maintenance shall be charged to those persons or entities having the primary responsibility for maintenance of the open space.

### 7.8.8 PEDESTRIAN FACILITIES

A. Sidewalks Required:

1. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in the Manual.
2. Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets adjacent to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval by the City of Concord Transportation. Design standards for pedestrian upfits to state maintained roads shall be subject to review and approval by the City of Concord Traffic Engineer and the North Carolina Department of Transportation (NCDOT).
B. Bus Shelter Required

A bus shelter is required for multi-family development unless the school system and Concord-Kannapolis Area Transit document in writing that a shelter is not needed. The shelter shall be constructed at the location(s) (including at the perimeter of a development site) where a public school bus(es) pick-up/drop-off of children as established by the Cabarrus County School system. The shelter shall be constructed to a minimum size to accommodate the average number of children that may be awaiting pick-up. The shelter shall be included in the sidewalk design to ensure adequate access.

### 7.8.9 DIMENSIONAL AND DENSITY STANDARDS

The maximum impervious surface coverage (impervious surface ratio) shall conform to the standards as set forth and described in Article 4 and shown on Table 7.6.2-A for the appropriate zoning district. Multi-family or singlefamily attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2-A and 7.6.2.B as set forth for the RC district. Where a Watershed Overlay District exists, the more restrictive requirements shall apply.

The minimum spacing between multi-story buildings is 20 feet, plus one
(1) foot for each one (1) foot of building height in excess of 30 feet. For single story buildings containing one or two units, the minimum spacing shall be ten (10) feet.

### 7.8.10 BUILDING DESIGN

In order to provide interesting and aesthetically attractive multi-family developments and to avoid monotonous, "barracks"-style buildings, the following standards shall apply:
A. Multi-family buildings shall have a multifaceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features. (See Figure 7.8-1.)
B. Buildings shall be arranged on multi-family sites in patterns that are not strictly linear. Adjacent buildings shall not be located in continuous straight lines. Limited linear building placements, which are part of an arrangement to define common space such as a courtyard, are acceptable.
C. Building designs shall be varied so that adjacent buildings are complementary but clearly distinguishable by a combination of design features, such as building shape, building scale, entry designs, plantings, orientation or other design features.
D. Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

### 7.8.11 UTILITIES AND LIGHTING

A. All utility lines shall be located underground.
B. Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi-family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

### 7.8.12 LANDSCAPING REQUIREMENTS

A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 11 of this Ordinance.

### 7.8.13 RECYCLING FACILITIES

Multi-family residential developments or single-family attached residential developments shall be required to provide a container(s) for the collection of recyclable materials. Such a container shall be subject to approval by the City's Director of Environmental Services.

### 7.8.14 UNIT OWNERSHIP

Developments in which property is conveyed in Unit Ownership shall comply with the North Carolina Unit Ownership Act. Common areas, parking, landscaping, open space, and driveway facilities shall be under common ownership.

### 7.8.15 SIGNAGE

Signage for multi-family dwellings and/or single-family attached dwellings shall be subject to the sign standards as set forth in Article 12.
7.8.16 MULTI-FAMILY DEVELOPMENTS IN C-1 AND B-1 ZONING DISTRICTS Apartment (see definition) development in C-1 zoning districts shall include at least 20 percent office or retail square footage as part of the project either in the same structure(s) or as separate buildings.

### 7.8.17 MULTI-FAMILY DIMENSIONAL STANDARDS Multi-family development shall comply with the standards in Table 7.8.17

TABLE 7.8.17-Multifamily Dimensional Standards

| Density | See Table 7.6.2 A. * <br> No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B$1, \mathrm{C}-1$ and $\mathrm{C}-2$ shall not be subject to density limits |
| :---: | :---: |
| Lot Width and Depth | See Table 7.6.2 A. * |
| Front Setback or | Developments of less than 40 dwelling units: see Table 7.6.2 B. * |
| Street Side Setback | Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required offstreet parking is located at the rear of the building(s). |
| Interior Side Setback | 20 feet |
| Rear Setback | 20 feet |
| Separation Between Buildings | 20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet for multi-story buildings. 10 feet for single-story buildings containing one (1) or two (2) units. |
| Common Open Space | See Table (10.5) <br> (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13) |
| Maximum Building Length | 180 feet |

## NOTES:

Multi-family or Single-family attached developments that are allowed (by right or as special use) in nonresidential districts shall use the dimensional and density standards of Table 7.6.2 A. except as specified above. Multi-family or single family attached developments in the 0-I district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent ( $30 \%$ ) of the total land area of the parcel (exclusive of special flood hazard area and stream buffers). Density for multifamily development in the $\mathrm{B}-1, \mathrm{C}-1$ and $\mathrm{C}-2$ zoning districts shall be calculated on the $30 \%$ of the total land area (less special flood hazard area and stream buffers) and not on the entire parcel.

### 7.8.18 MULTI-FAMILY BUILDING STANDARDS

A. Building Length. In attached multi-family projects, buildings shall not exceed 180 feet in length. Building facades should be broken up to give the appearance of a collection of smaller buildings. Long, unbroken building facades and simple box forms are prohibited.
B. Clustering and Massing. Clustering of multi-family units shall be a consistent site planning element. Buildings shall be designed as a series of varied plans that:

1. Vary setbacks within the same building;
2. Use of reverse building plans to add articulation; and
3. Vary wall and rooflines.
C. Unit Entryways. In multi-family and attached housing each unit shall have distinct entries.
D. Materials and Colors.
4. Buildings shall use distinct, but complementary materials and colors using a combination of the following materials:
a. Stucco or EIFS with smooth, sand or light lace finish;
b. Engineered fiber cement board, wood, as a primary and/or accent material;
c. Brick, as primary or accent material;
d. Split-faced block, as a primary and accent material;
e. Stacked stone, as an accent material;
f. Marble, travertine, or other related stone materials as accent materials; and
g. Unglazed tile as an accent and/or roofing material.
5. The following materials are prohibited:
a. Metal or aluminum siding;
b. Unfinished concrete block, concrete tilt slab, and painted or white brick or block siding; and
c. Vinyl siding (note that vinyl may be used for soffit).
E. Roofs. Gable, shed, and hip roofs or a mixture of roof types to create articulation and ridgelines is required to break up long roof lines. Large expanses or flat roofs, gambrel or mansard roofs, and A-frame roofs are prohibited.
F. Windows and Doors.
6. Windows shall be rectangular or round headed with various forms.
7. Arches, gateways, entry courts shall be used to shelter doorways.
8. Windows shall be located to minimize views of the private outdoor space of adjacent units' patio areas.
9. Appropriate openings include:
a. Bay windows
b. French doors
c. Multi-lighted windows
d. Rectangular windows
e. Clerestory windows
f. Round windows
g. "Greenhouse" windows
h. Wood, or simulated wood, single and double doors
10. Windows and doors shall not include:
a. Silver or gold window frames;
b. Reflective glass;
c. Windows flush with wall surface; or Non-anodized aluminum frame doors.
G. Stairways. Stairs shall be designed according to the following techniques:
11. Freestanding stairways shall not make a straight run from upper floors to the ground floors - they must have a landing and make a right angle turn.
12. External stairways should be built into courtyards and entry areas and not simply hung off the sides of buildings.
13. Exterior stairways should employ design features such as insets, reveals, decorative tile, or stucco texturing, and decorative handrails.
14. The use of enclosed staircases is preferred over exterior staircases.
15. External stairway walls shall be smooth or sand finish stucco, block, stone, slate, or other opaque building material with an accent trim cap or banding of tile
16. Exposed prefabricated metal stairs and transparent walls are prohibited.
H. Additional Architectural Elements
17. All antennas shall be placed in attics or interior of the residence. Developments shall be pre- wired to accommodate cable or satellite reception.
18. Metal, canvas or vinyl awnings of solid accent colors are permitted in moderation.
19. Patio trellises, and other exterior structures may be built of stucco or wood or block, with finishes complying with the overall color palette for the project.
20. Chimneys as an architectural form shall be simple and project from main wall surfaces. Stone or tile accents and articulation details are encouraged.
21. Garage doors should appear to be set into the walls rather than flush with the exterior wall.
22. Roof mounted mechanical equipment shall be screened from view in a manner consistent with the building façade.
23. Ground mounted mechanical equipment shall be screened from view with landscaping or solid fencing.

### 7.8.19 ACCESSORY STORAGE

Accessory storage is required for multifamily developments of 240 or more dwelling units in the following manner:
A. May be constructed as an accessory to a multi-family development for the exclusive use of residents of the multi-family development.
B. Shall not be located between the multi-family structure and any public street.
C. Are limited to a single story in height.
D. Shall use the same siding materials and be designed to reflect the style of multi-family buildings
E. Shall use the same roofing materials and have rooflines that reflect those of the multi-family buildings
F. Shall be provided at the rate of 100 square feet per dwelling unit, but not to exceed more than 200 square feet per dwelling unit.
G. In lieu of accessory storage in a separate structure, storage may be attached or incorporated into individual dwelling units.


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