



**TOWN OF DAVIDSON
BOARD OF COMMISSIONERS
1ST TUESDAY MEETING**

**Town Hall Board Room - 216 S. Main Street - Board of Commissioners & Staff Mini Retreat
September 20, 2018 - 11:30 AM**

1. **Planning & Zoning Decisions and Growth Management Tools**
2. **Affordable Housing Strategy**

Agenda Title: Planning & Zoning Decisions and Growth Management
Tools

Manager's Report:

Summary:

<u>ATTACHMENTS:</u>
Description:
▢ Presentation by Adam Lovelady on Planning & Zoning Decisions
▢ Planning & Zoning Decisions Exercise
▢ Presentation by Adam Lovelady on Growth Management Considerations

Planning & Zoning Decisions

Davidson Town Board Mini-Retreat

September 20, 2018

Adam Lovelady



UNC
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TEACHFORAMERICA



McGUIREWOODS
Relationships That Drive Results

LAWYERLY FINE PRINT*

[illegible]

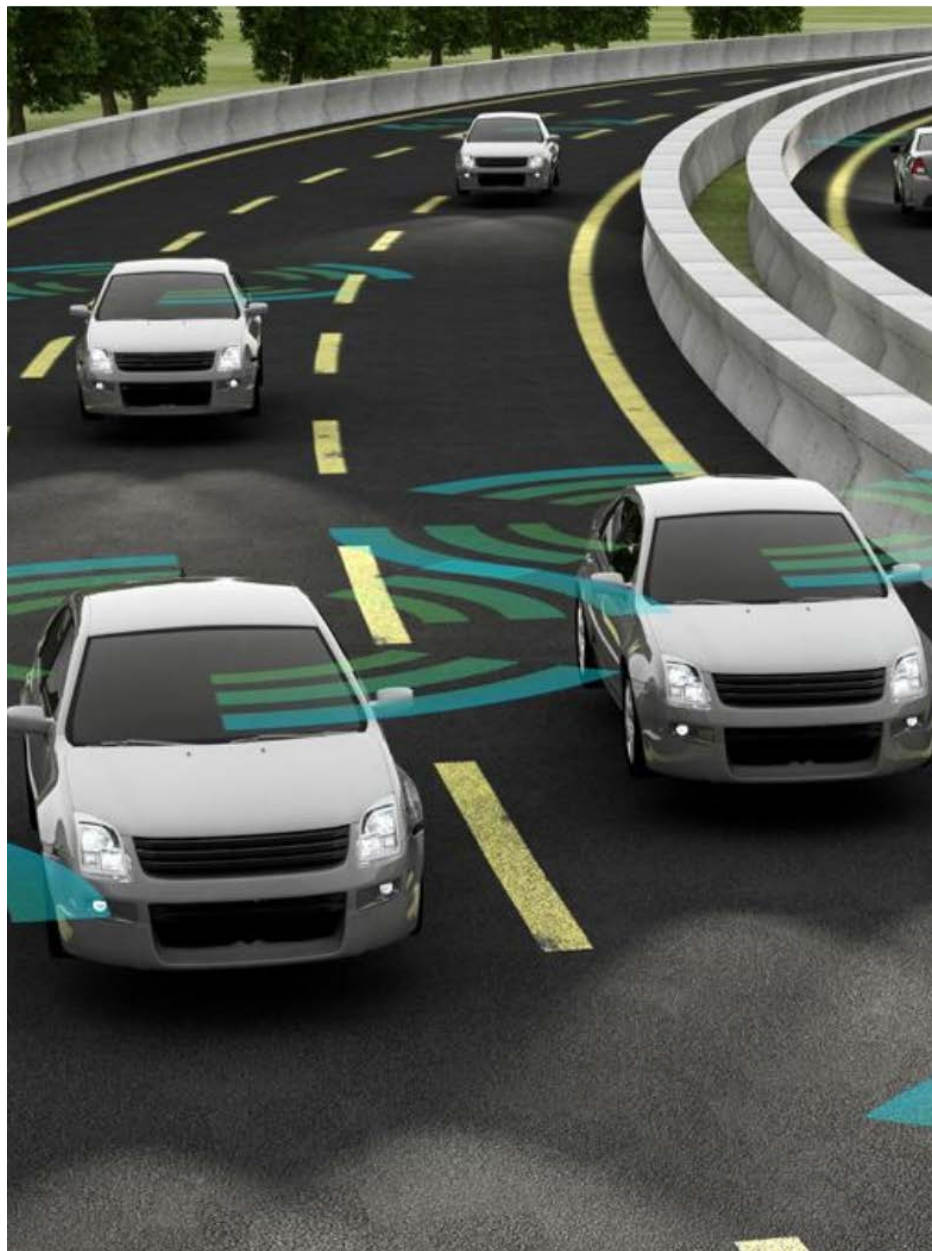
I. Why Plan?

II. Basics of Zoning

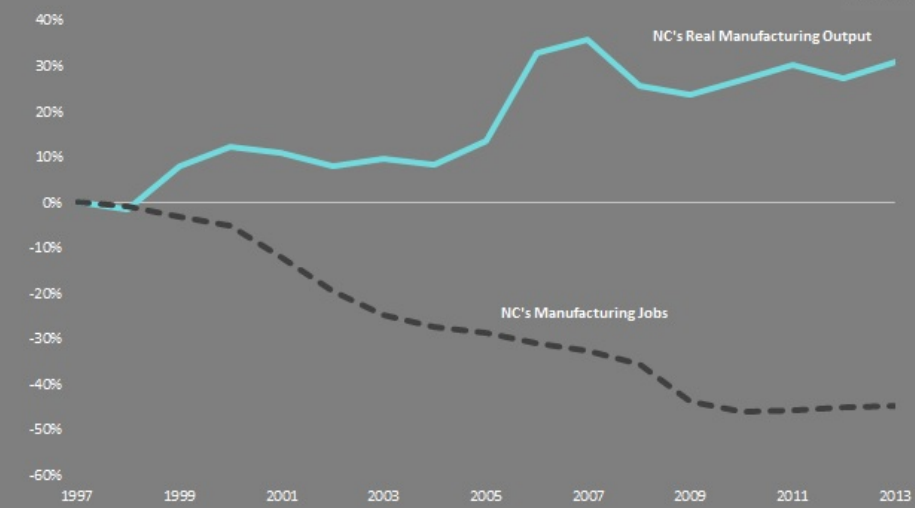
III. Types of Decisions







NC's Manufacturing Output on the Rise, Despite Job Losses

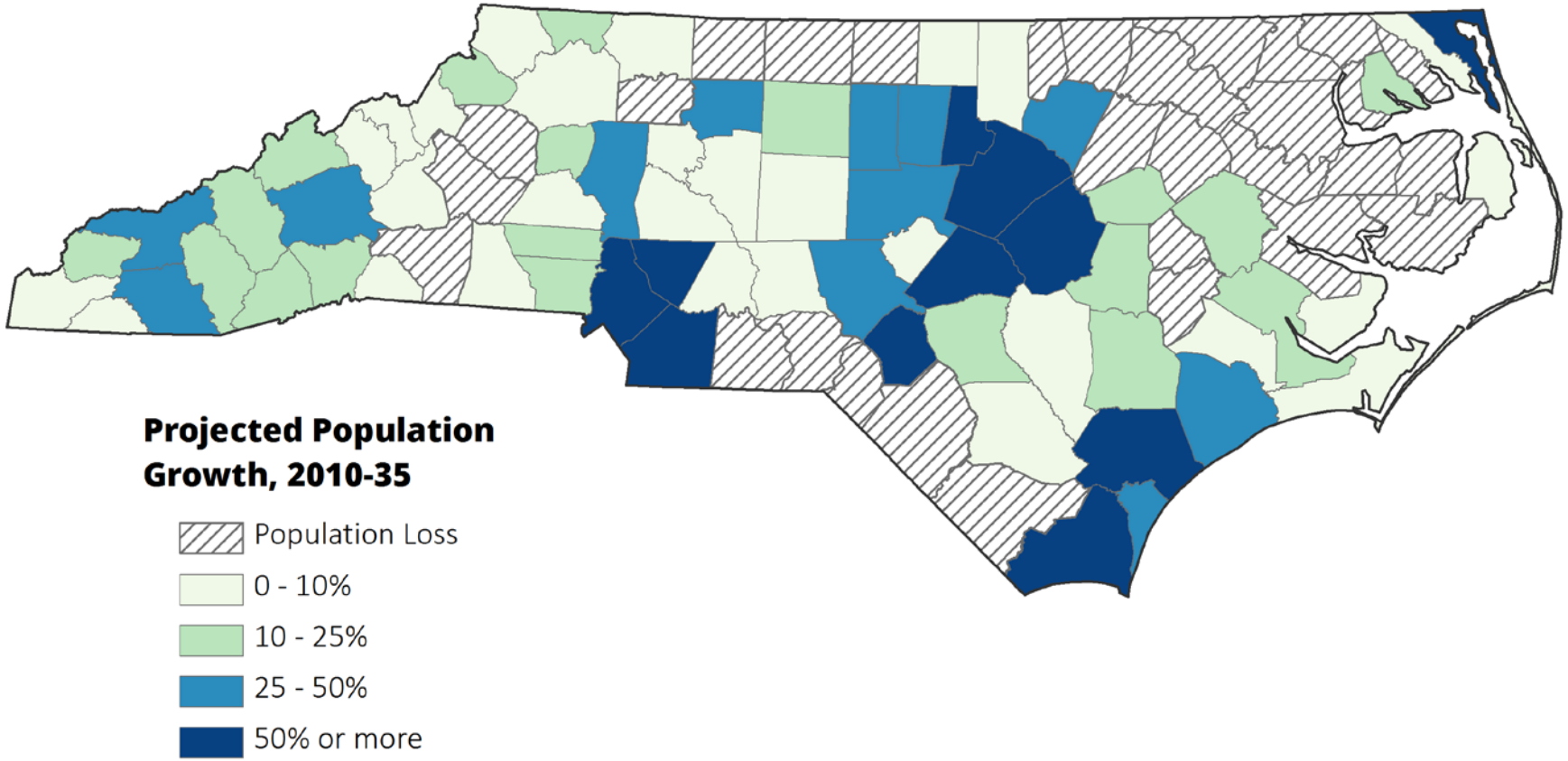


Source: U.S. Department of Commerce, Bureau of Economic Analysis and N.C. Department of Commerce, Labor and Economic Analysis Division



Population growth will be uneven across North Carolina

Projected population growth, 2010-2035



Public Engagement



- Community meetings
- Surveys
- Appointed boards
- Public education
- Design workshops/charrettes
- Stakeholder outreach
- Public hearings

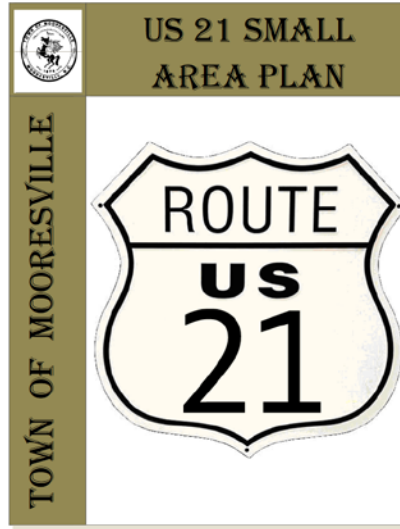
THE LEGACY

2030 Update



Adopted and
Recommended
by City-County
Planning Board
August 9, 2012

City-County
Planning
BOARD
FURRY, LEE, GUNNETT & WINSTON-SALEM, NORTH CAROLINA



CITY OF WILSON COMPREHENSIVE BICYCLE PLAN - ADOPTED AUGUST 2008



Wilson
Bicycle
2008 Plan



A Greater Greenville

Strategic Plan
Goals and Objectives
2016-2018



January 2017 Update

 **Greenville**
NORTH CAROLINA
Find yourself in good company™

Growth



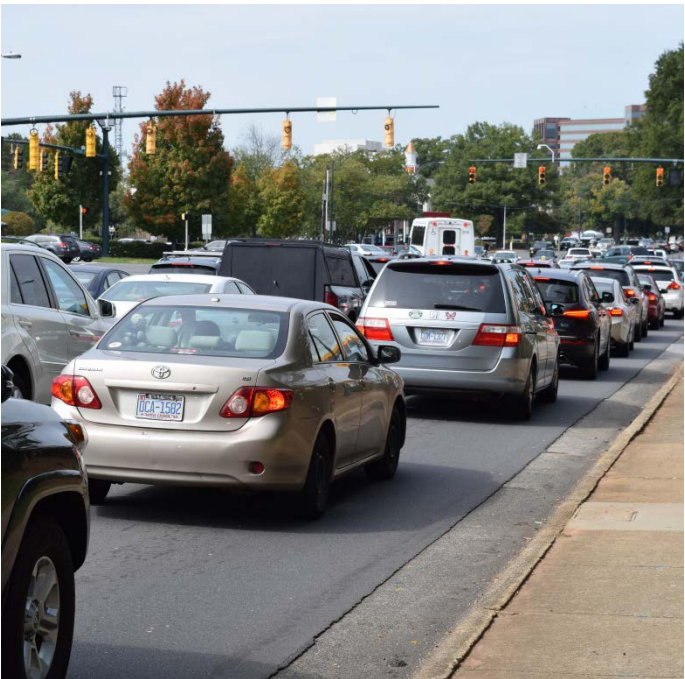
Economy



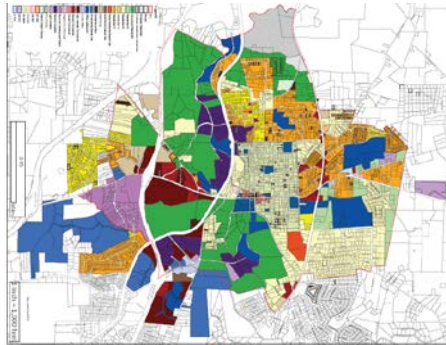
Environment



Infrastructure



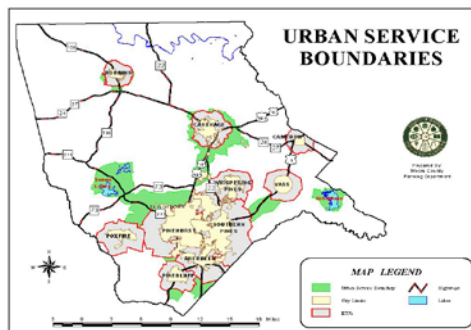
Implementing a Plan



Development Decisions



Government Actions and Organization



Public Infrastructure and Investment

I. Why Plan?

II. Basics of Zoning

III. Types of Decisions



Levels of Development Restriction

- Development Allowed “By Right”
- Development Allowed Conditionally
- Development Prohibited

Considerations for Zoning

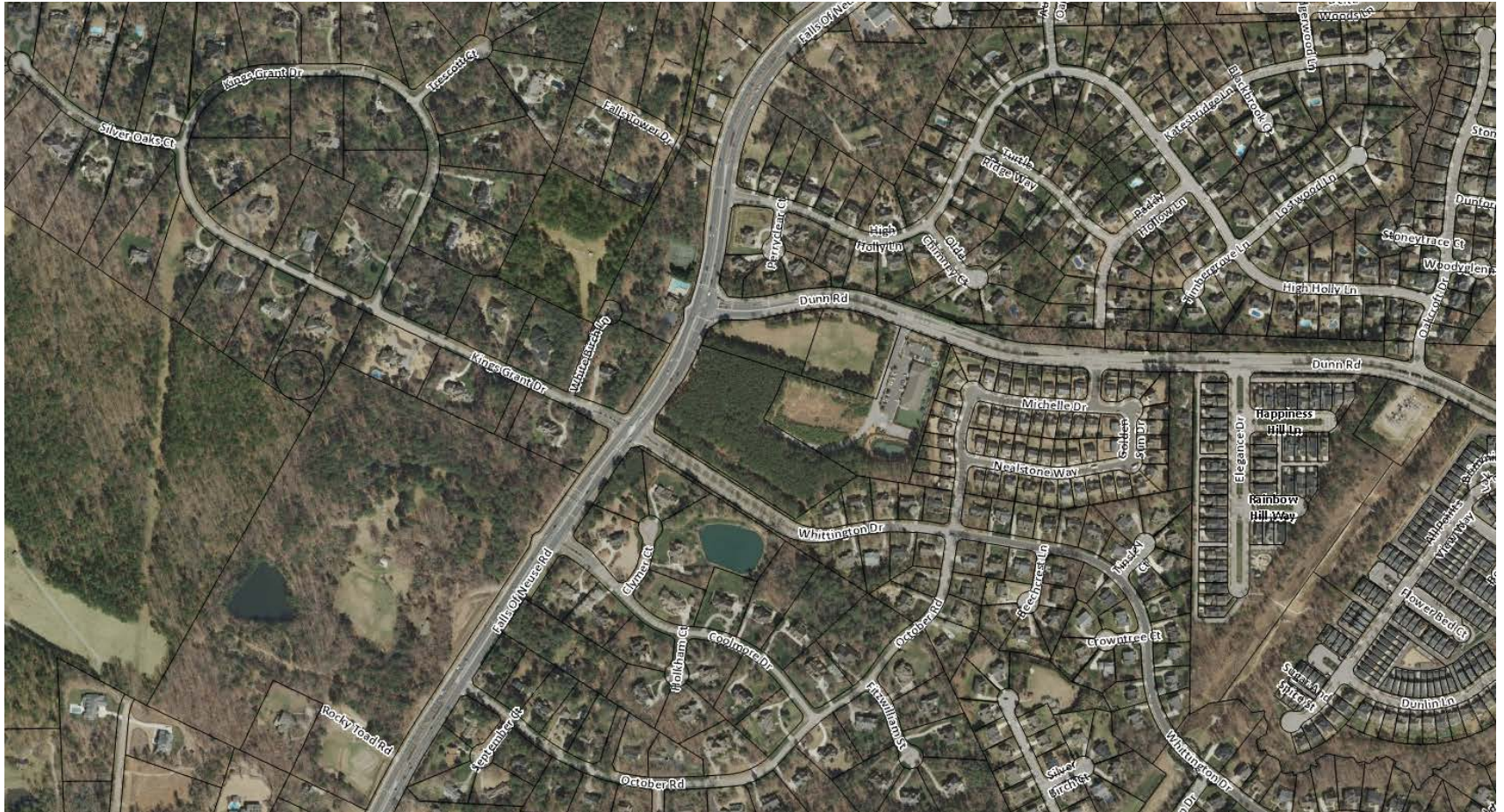
(160A-383; 153A-341)

- Public health, safety, and general welfare
- Encouraging the most appropriate use of land throughout such city
- Prevent overcrowding
- Efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements
- Lessen congestion in the streets
- Conserving the value of buildings
- Character of the district and suitability for particular uses

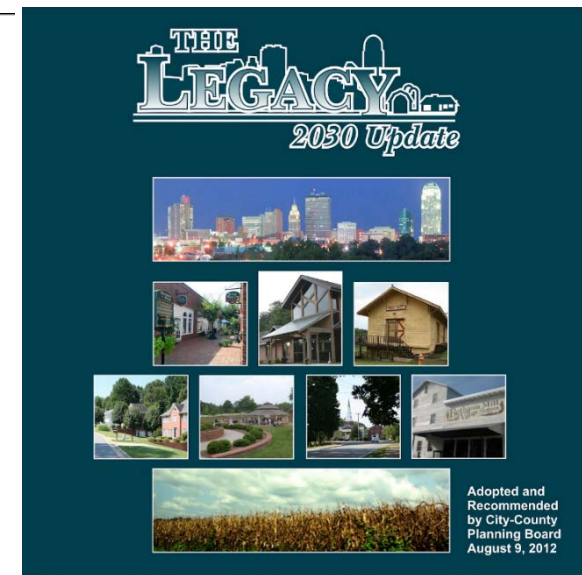
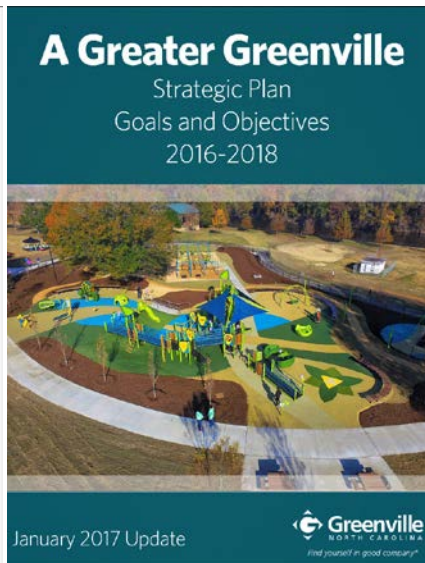
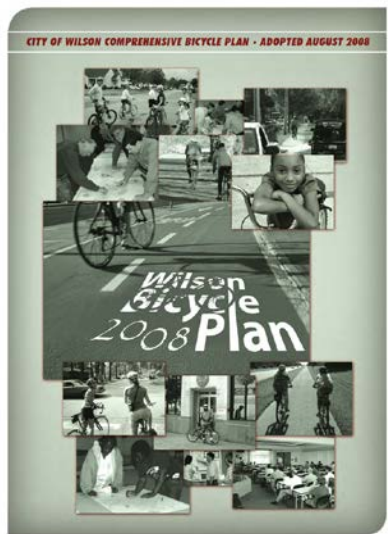
Do Consider: Land use impacts

- To the owner/developer
 - Property value, free use of land, investment expectations
- To the neighbors
 - Safety, noise, odor, traffic, aesthetics, stormwater, property value, investment expectations
- To the community
 - Safety, convenience, traffic, appropriateness of use, character of community, property values, availability of housing types
- To the local government
 - Infrastructure costs (capital and maintenance), service costs, tax implications, diversity of economy, mix of housing types

Do Consider: Surrounding Context



Do Consider: Applicable Plans



Do Consider: All Permissible Uses

5.1.5 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS													
P = PERMITTED BY RIGHT SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT													
	AR	R-40	R-20	R-15	R-10	MF	MHP	MFSU	MRSU	RSU	PW	PWCA	
Adult Day Care									SUP				
Adult Use													
Artisan Studio										SUP			

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Family Child Care Home				P/C	P/C	P/C	P/C	P/C					
Farm, Bona fide				P	P								
Farmer's Market				P/C	P/C								
Flex Space													
Funeral Home													
Gallery/Museum													

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	AR	R-40	R-20	R-15	R-10	MF	MHP	MFSU	MRSU	RSU	PW	PWCA	
Non-residential uses in historic houses in the historic district						C							
Offices not providing direct services to clients via walk in													
Offices providing direct services to walk in clients													
Outlet sales													
Park, Athletic or Community	C	C	C	C	C	C	C	C					
Park, Cultural or Natural	P	P	P	P	P	P	P	P					
Park, Neighborhood	P	P	P	P	P	P	P	P					
Parking as Principal Use, Surface or Structure													
Performance Facility													
Personal service business											SUP		
Personal Vehicle Sales													
Petroleum Products (storage & distribution)													
Processing Facility													
Public Safety Services	P	P	P	P	P								
Public Utilities	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		SUP	SUP	
Recreational Facilities													
Recycling Materials Collections Center													
Research Facility													
Restaurant A													
Restaurant B													
Restaurant C													

Do NOT Consider: Identity and Ownership



Do NOT Consider:

Issues beyond zoning requirements

For basic zoning districts, extra conditions are unenforceable

(Remember conditions may be applied through conditional zoning or special use permits)

Zoning should be based on

- Land use impacts on owner, neighbors, public
- Standards of the ordinance and consistency with applicable plans
- Context and appropriateness of uses
- Staff and planning board recommendations
(gov. board is not bound by recs)

Not based on

- Identity of applicants/tenants/neighbors
- Ownership status
- Issues beyond the zoning requirements

State and Federal Limits



- State sets framework and procedures for local authority
- State and federal governments impose protections for certain uses



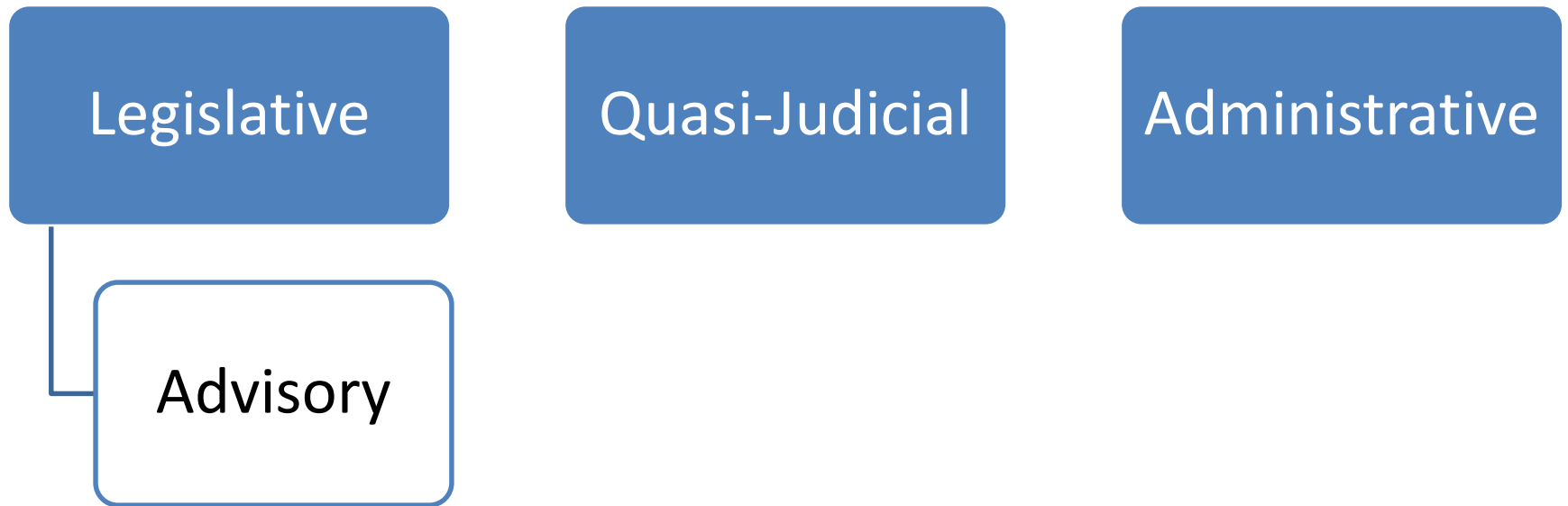
I. Why Plan?

II. Basics of Zoning

III. Types of Decisions



Types of Zoning Decisions



Legislative Decisions (and Advisory)

Example	Ordinance Amendment; Rezoning (Map Amendment)
Decision-Maker	Governing Board (Planning Board for Advisory)
Standards	What is in the public interest? What is planned?
Discretion	Broad discretion
Procedure	Planning board recommendation; Public hearing; Consistency statement Broad engagement Conflict standard: “Direct, substantial, and readily- identifiable financial interest” in the outcome of the zoning decision

Quasi-Judicial Decisions

Example	Variance; special use permit
Decision-Maker	Board of Adjustment (alt. Planning Board or Governing Board)
Standards/	Standards in the ordinance and requiring judgment (i.e., “harmony” or “unnecessary hardship”)
Discretion	Bounded discretion; decision based on evidence in the record
Procedure	Formal evidentiary hearing Ltd public engagement (no discussions outside of hearing; sworn testimony, no opinion testimony); Board adopts findings of fact and conclusions of law; Conflict standard: bias, financial interest, or close familial, business, or other associational relationship

Administrative Decisions

Example	Zoning permit; Site plan approval
Decision-Maker	Staff (alt. governing board or planning board)
Standards	Objective standards specified in the ordinance
Discretion	Very limited discretion (allowance for limited administrative modification)
Procedure	No hearing required; No public engagement; Applicant who meets standards has right to permit

Type of Decision (Example)	Decision Maker	Factors in Decision
Legislative (Rezoning)	Governing Board	What's in the general public interest; Broad board discretion
Advisory (Planning board rec on zoning amendment)	Planning Board	Consistency with plans; What's in the general public interest
Quasi-judicial (Variance, Special Use Permit)	Board of Adjustment (typically)	Standards established in the ordinance requiring judgment; Evidentiary hearing
Administrative (Zoning compliance permit)	Staff (typically)	Objective standards in the ordinance

Considering Conditions

Special Use Permit

- Quasi-judicial process
- Site specific conditions related to standards (may include site plan)
- Slow, formal process and challenging amendments, monitoring, and enforcement

Conditional Zoning

- Legislative process
- Project-specific zoning district (may include site plan)
- Slow process and challenging amendments, monitoring, and enforcement

Conditional Zoning Limits

Only conditions needed . . .

- For ordinance/plan compliance
- To address impacts reasonably expected to be generated by project
- Mutual consent
 - Conditions may be proposed by applicant or local government
 - But conditions must be mutually approved by the applicant and local government

Form-Based Codes

2.0. DISTRICTS 2.4. HR-2: Expansion

STREET CROSS-SECTION



Width	
A Pavement width	49'
B Crossing distance	33'
Streetscape	
C Sidewalk (min)	10'
D Parking lane/bump-out	8'
Travelway	
E Bike lane	5'
F Travel lane	11.5'

Specifications	
Walkway type	Sidewalk
Planting type	Trees in grates or bump-outs
Parking type	Parallel
Bike lane type	Striped lane

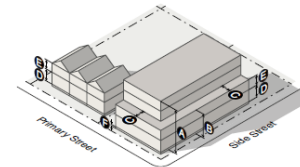
COUNCIL DRAFT September 9, 2014

Haywood Road Form District Asheville North Carolina

23

2.0. DISTRICTS 2.4. HR-2: Expansion

3. HEIGHT



Building Height	
A Building height, stories max./feet	4/55'
B Building height, stories min./feet	2/30'
Reduced height may be required when abutting a RS or RM district (see Sec. 2.2.O)	
C Building stepback above 2nd story (min)	10'

For sites with a contributing structure in a National Register District (or one that is eligible for historic designation) and the first 10 feet of the street-facing facade of the structure is retained and incorporated into the new development, the stepback may take place at either the first or second story.

Story Height	
D Ground story height (min)	
Residential	10'
Nonresidential	12'
E Upper story height (min)	9'

Ground Floor Elevation	
F Ground floor elevation (min/max)	
Residential	2'/4'
Nonresidential	0'/2'

4. ACTIVATION



Transparency	
A Ground story, primary/side (min)	
Residential	20%/20%
Nonresidential	60%/30%
B Upper story (min)	20%
C Blank wall area, primary/side (max)	
Residential	30%/30'
Nonresidential	15%/30'

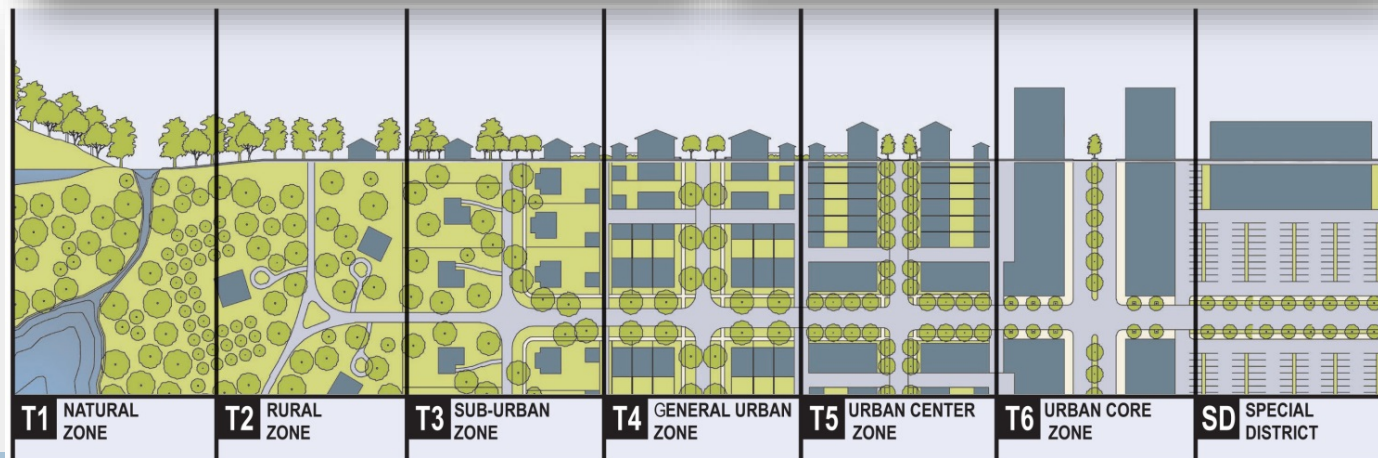
Pedestrian Access	
D Entrance facing primary street	Required
E Entrance spacing along primary street (max)	50'

Building Elements Allowed	
Residential: awning/canopy, balcony, front porch, stoop	
Nonresidential: awning/canopy, balcony, forecourt, courtyard	

COUNCIL DRAFT September 9, 2014

Haywood Road Form District Asheville North Carolina

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T1 NATURAL
ZONE

T2 RURAL
ZONE

T3 SUB-URBAN
ZONE

T4 GENERAL URBAN
ZONE

T5 URBAN CENTER
ZONE

T6 URBAN CORE
ZONE

SD SPECIAL
DISTRICT

I. Why Plan?

II. Basics of Zoning

III. Types of Decisions



Questions



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Development Decision in Normalton

The town council in Normalton handles legislative rezonings and quasi-judicial variances. Consider each of the following situations. What are the concerns, if any? How might that situation be improved?

- A. **Applicant A** wants to build a small office building for a local accounting firm. Because of the unique features of the property, Applicant A needs a variance from certain dimensional standards. In advance of the hearing, a town council member meets with the builder and accountant to discuss the matter. The town council member also hosts a meeting with concerned neighbors.

At the evidentiary hearing the neighbors speak in opposition to yet another development in their area. They offer general opinions about the pace of growth and fears of traffic.

- B. **Applicant B** proposes to construct a restaurant. The area is zoned for commercial development, identified as a growth area on the future land use map, and surrounded by existing commercial uses. The site plan submitted by Applicant B meets all of the objective standards (parking, stormwater, traffic, etc.). After several months of review by town staff and revisions by Applicant B, the planning director will soon approve the site plan.

After seeing a “Coming Soon” sign on the site, neighbors showed up at the town council meeting. During the period for general public comment, neighbors voiced concerns about the scale of the development, increased traffic, and the changing character of the neighborhood. After hearing the concerns, town council is weighing its options to stop the development.

- C. **Applicant C** is seeking a conditional rezoning to allow a development of multifamily housing. Town council knows and trusts Applicant C, and they approve the rezoning conditioned upon the following:
- Strict adherence to the site plan submitted with the application;
 - If Applicant C sells the property, the permit is revoked automatically;
 - Specific additional vegetative buffering along the northern property line;
 - Occupancy limited to owner-occupied condominium ownership.

Growth Management Considerations

Davidson Town Board Mini-Retreat
September 20, 2018
Adam Lovelady



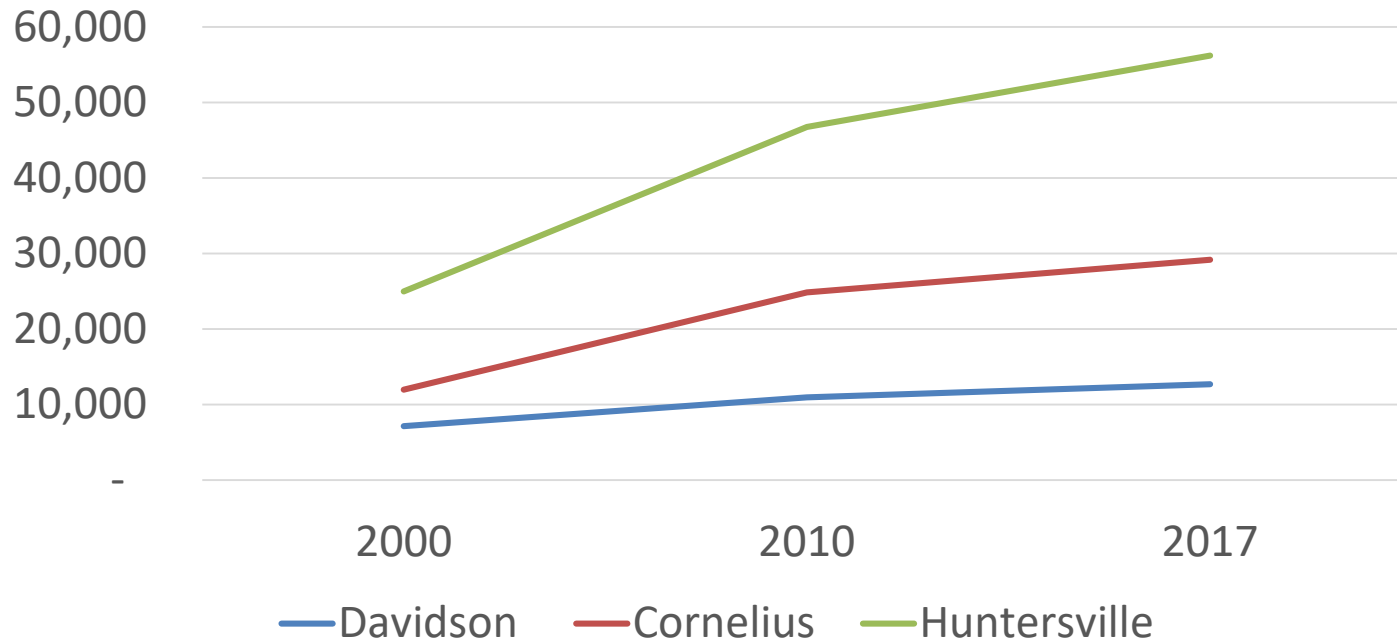
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- I. Context of Growth
- II. Slowing/Containing Growth
- III. Paying for Growth
- IV. Infill Challenges and Opportunities
- V. Competing Interests



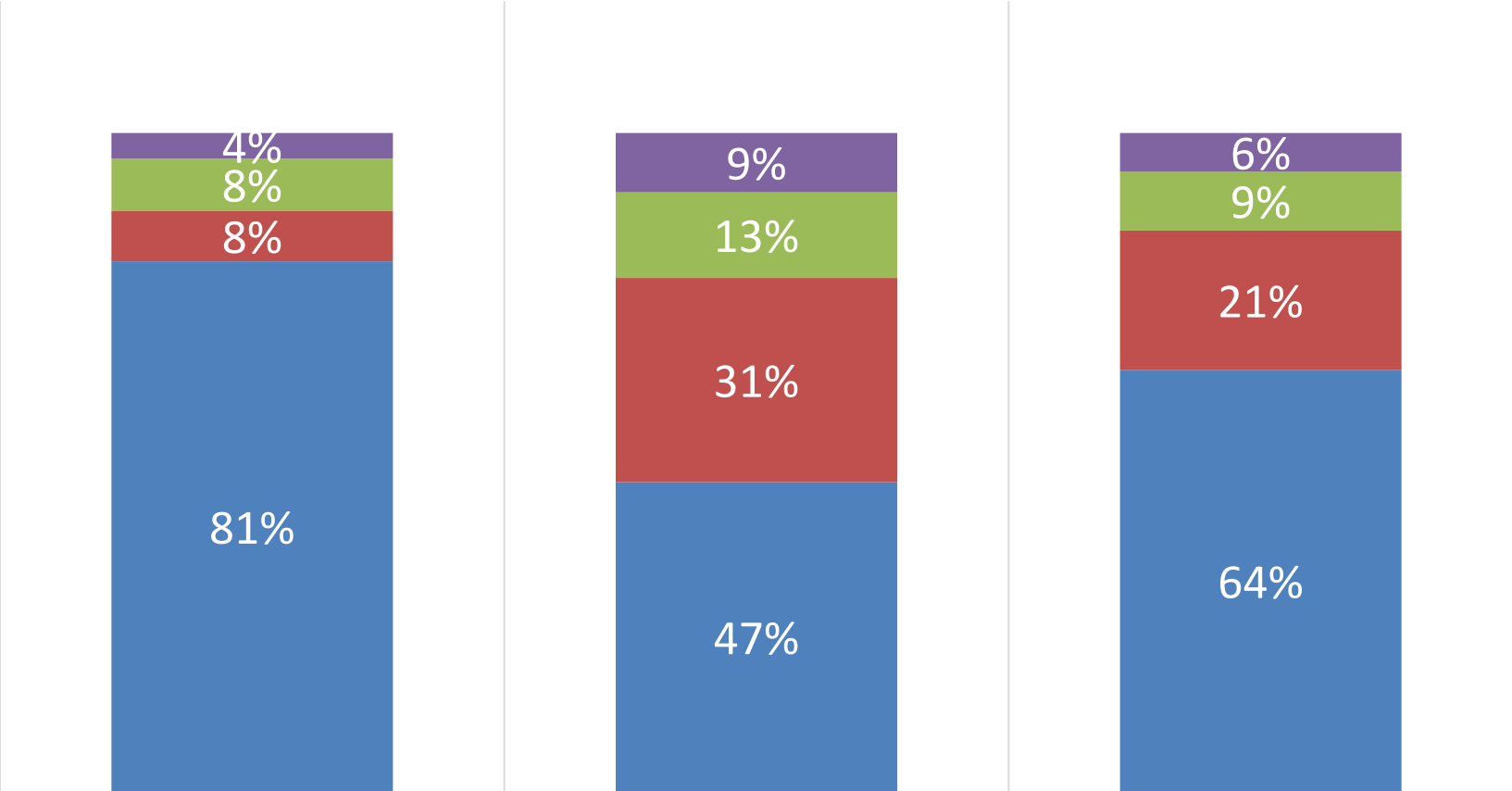
Population Growth in Northern Mecklenburg



	2000	2010	2017	00-'10 Change	10-'17 Change
Davidson	7,139	10,944	12,684	53%	16%
Cornelius	11,969	24,866	29,191	108%	17%
Huntersville	24,960	46,773	56,212	87%	20%
Mecklenburg	695,454	919,628	1,076,837	32%	17%

DEMOGRAPHICS

■ White ■ Black ■ Hispanic ■ Other

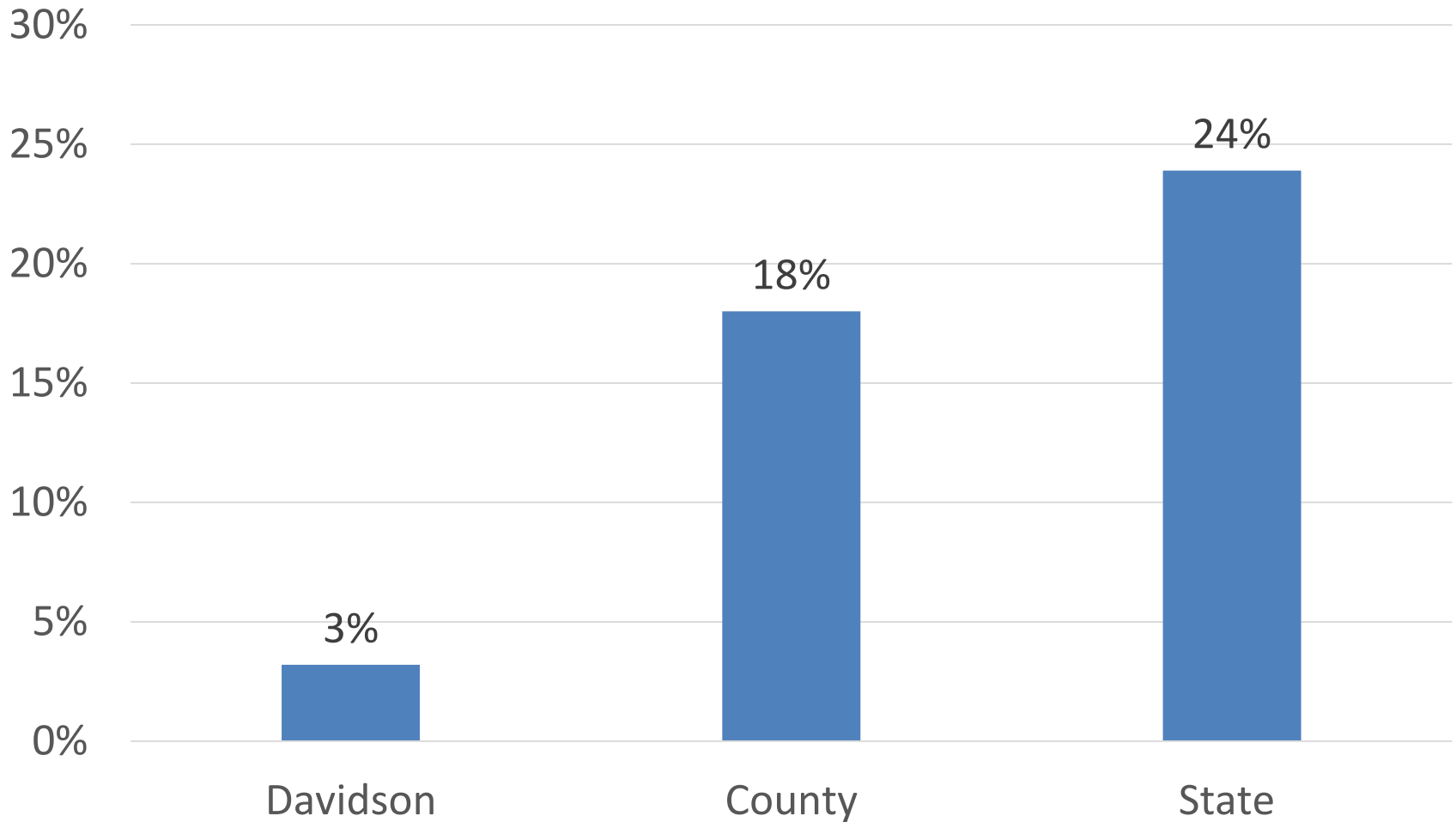


DAVIDSON

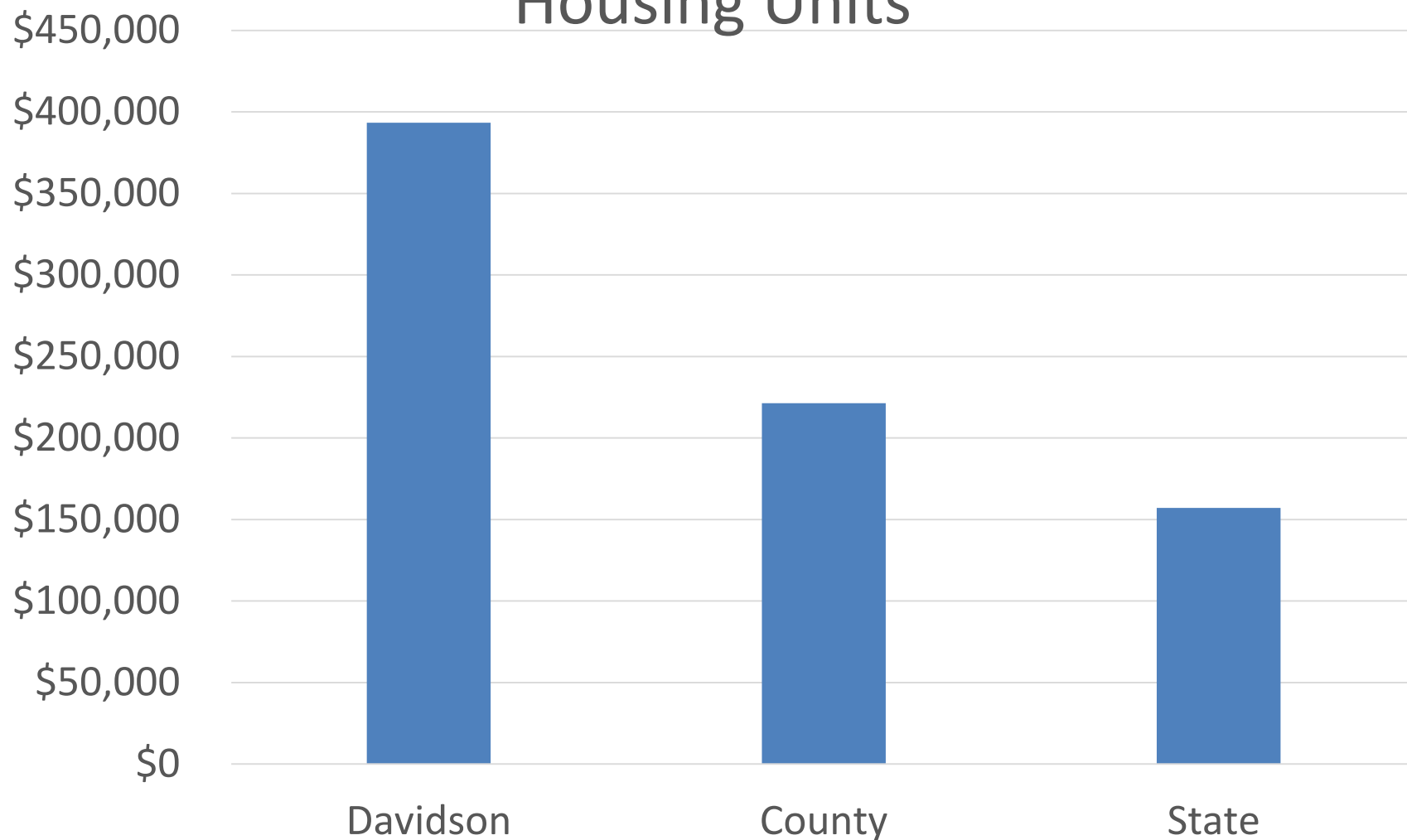
COUNTY

STATE

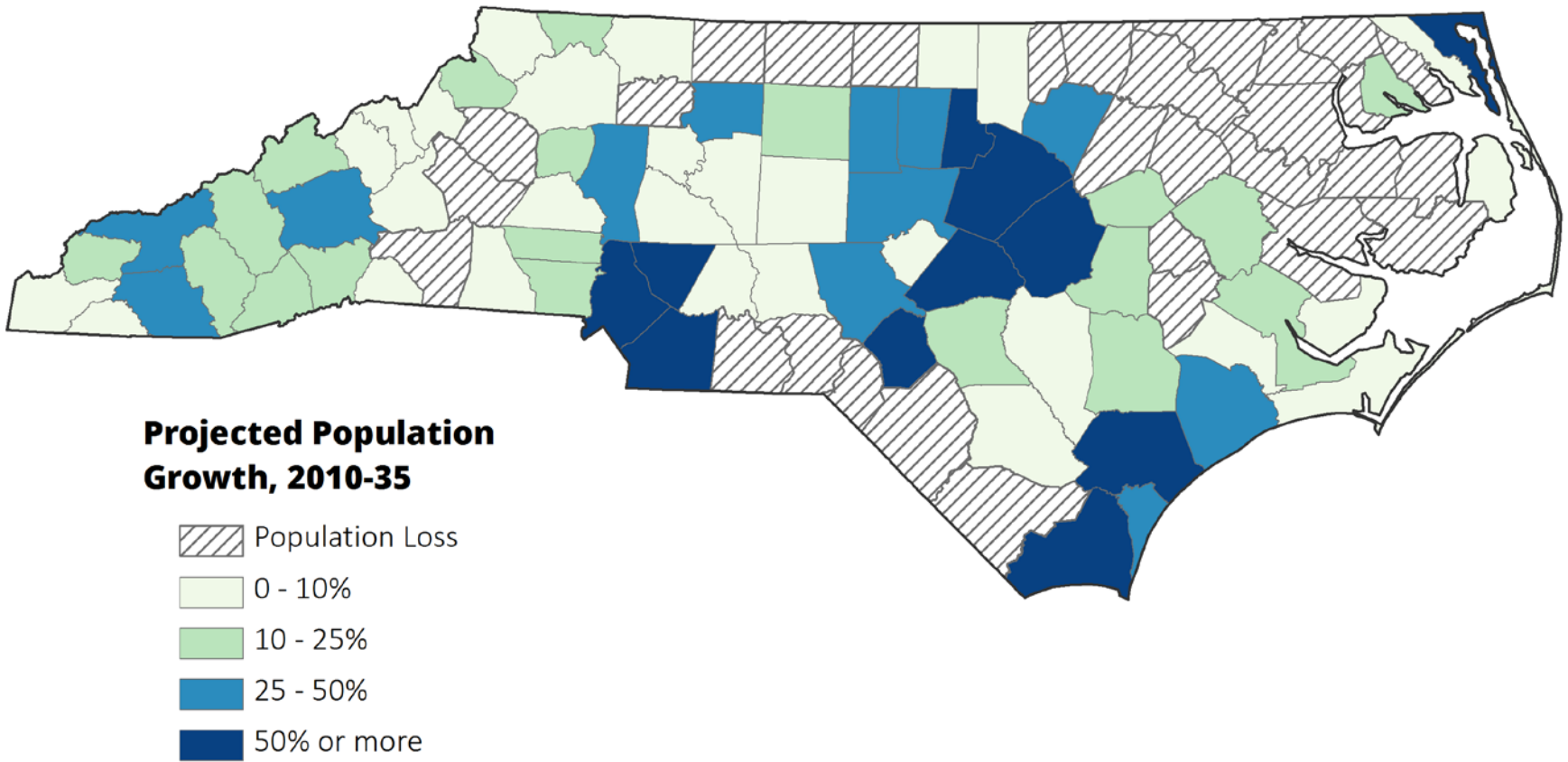
Percent of children living below the poverty line



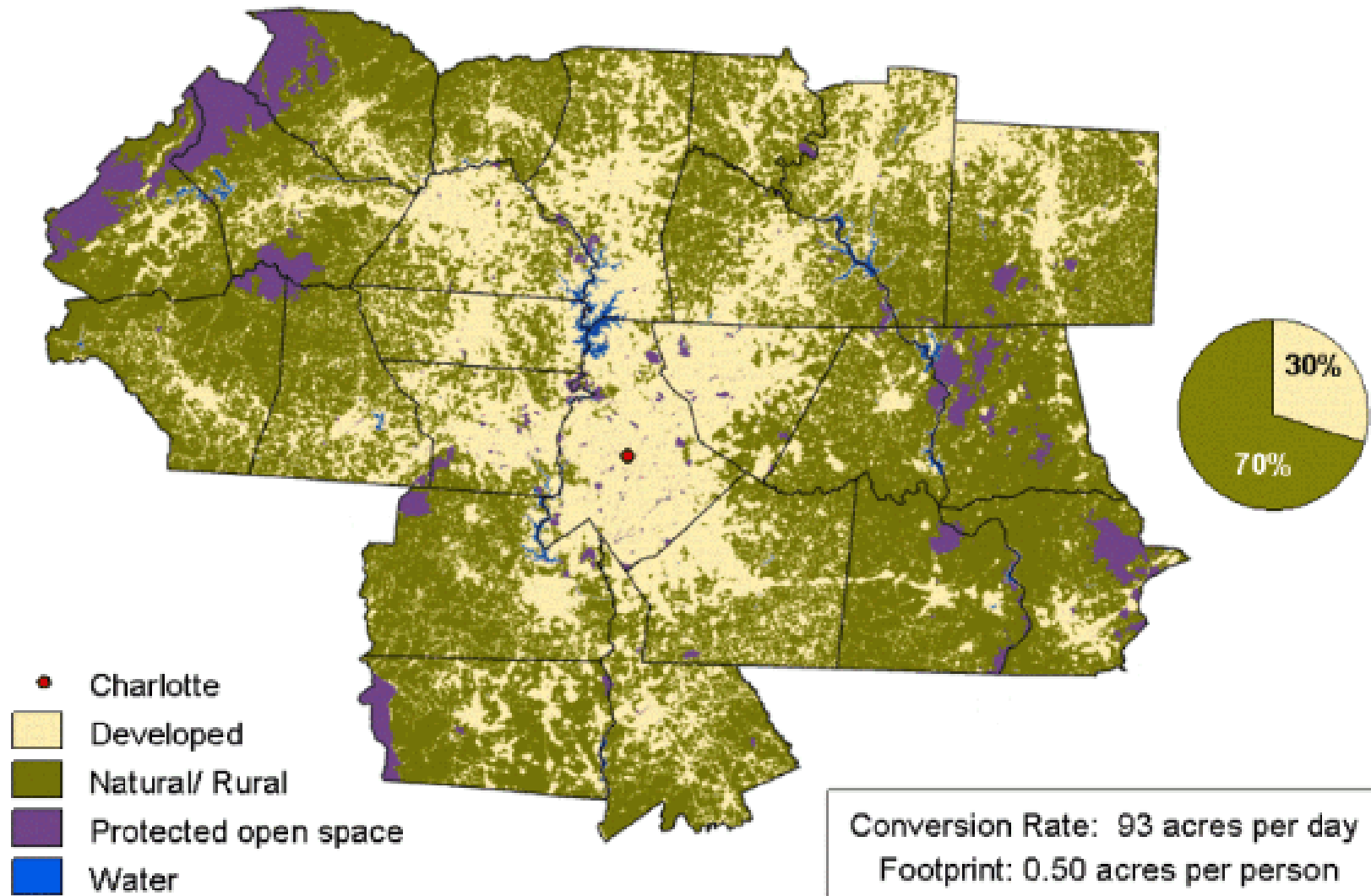
Median Value of Owner-Occupied Housing Units



Population growth will be uneven across North Carolina
Projected population growth, 2010-2035



2030



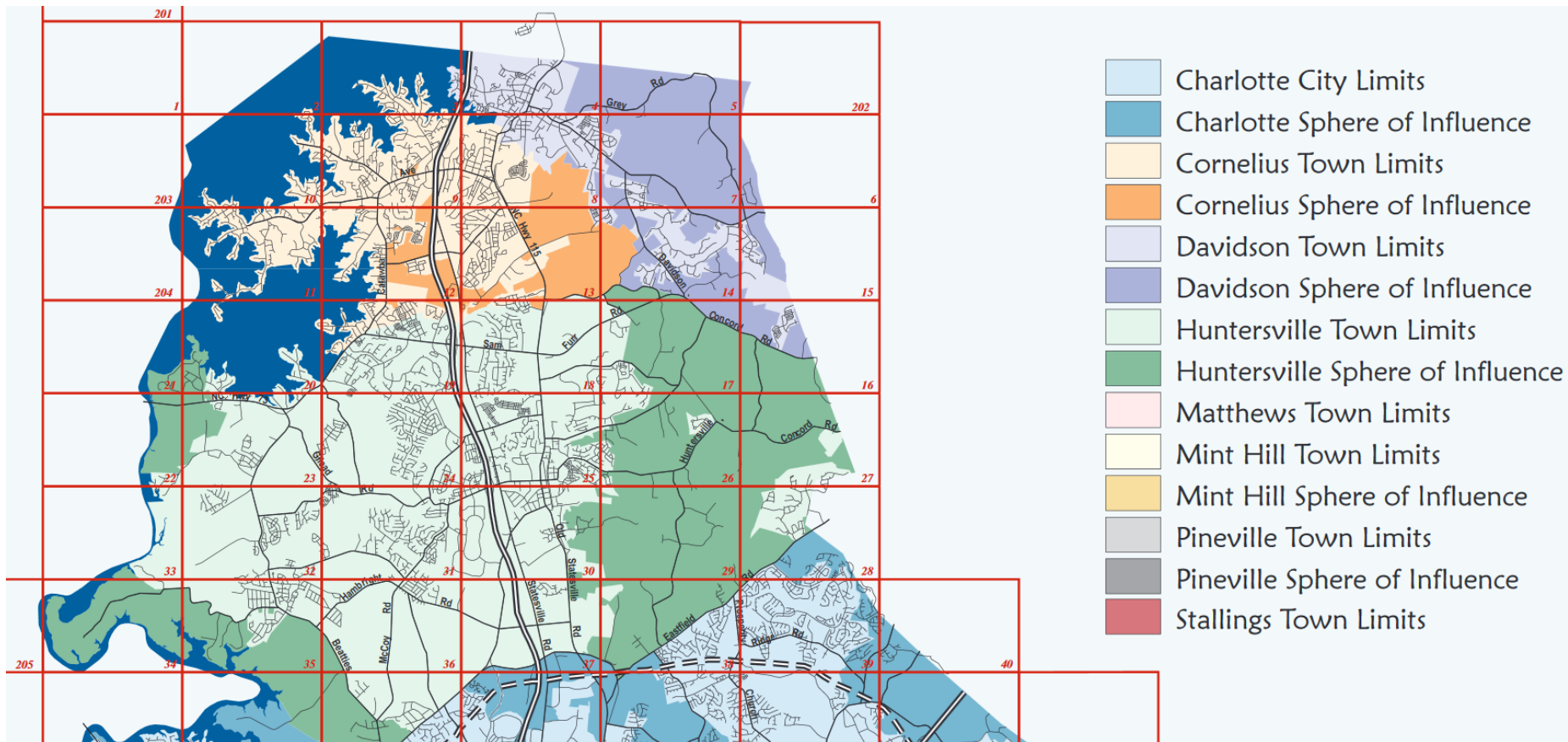
Projections from 2010 Comp Plan

2017 Census Estimate	2030 Low Projection	2030 High Projection
12,684	21,300	25,000
	68%	97%

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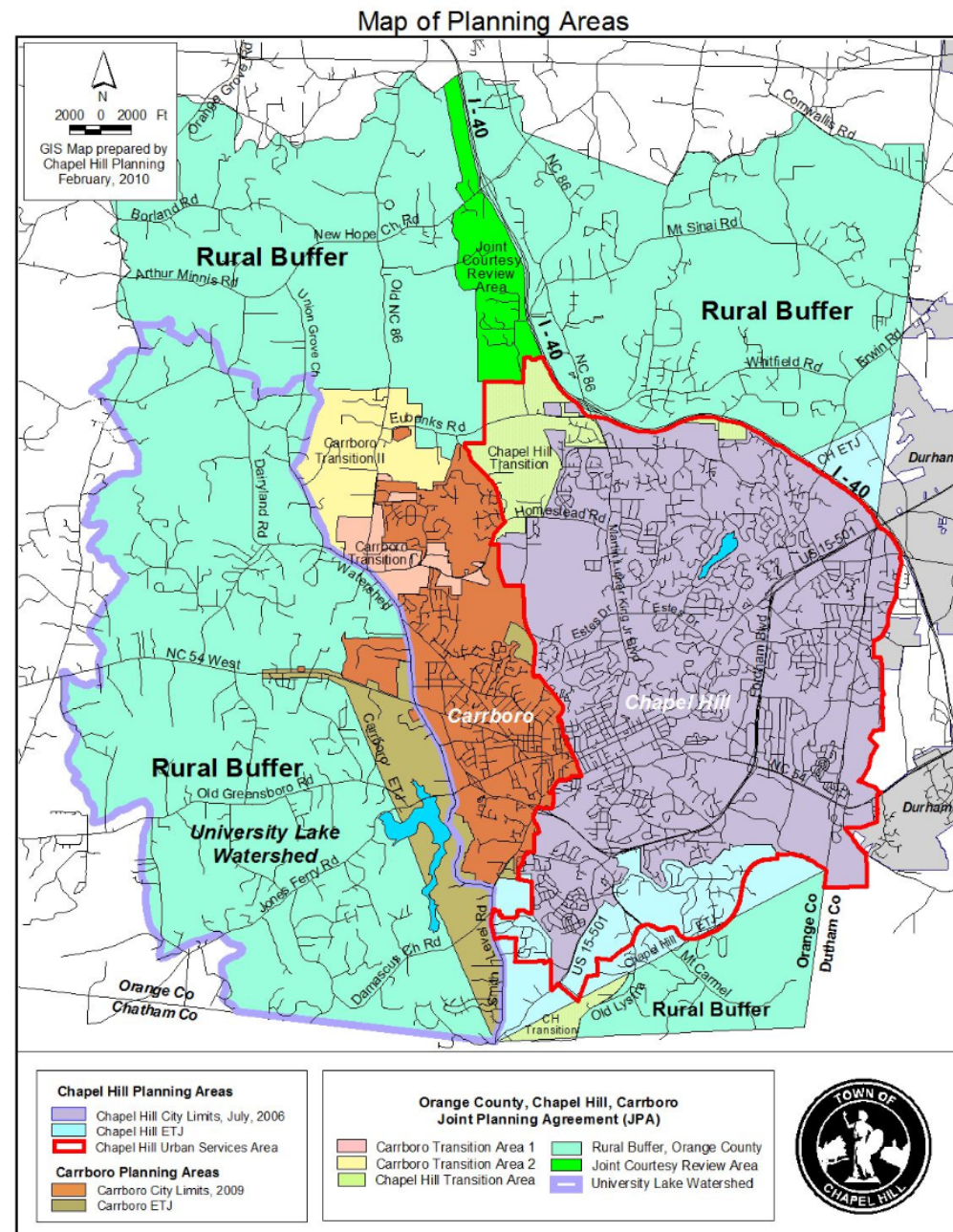


Jurisdiction



Urban Service Boundary

Orange County Rural Buffer



Moratorium and/or Ordinance Amendments

- Action to change the zoning
- Adjust permitted uses, density, height, etc.
- Prohibition on residential moratoria
- Vested Rights
 - Permitted Projects
 - Applications in Process

Adequate Public Facilities Ordinance

- Zoning and subdivision decisions may be based on the adequacy of public services and utilities
- Distinguish regulatory power from power to charge fees

newsobserver.com

Cary delays development due to overcrowded schools

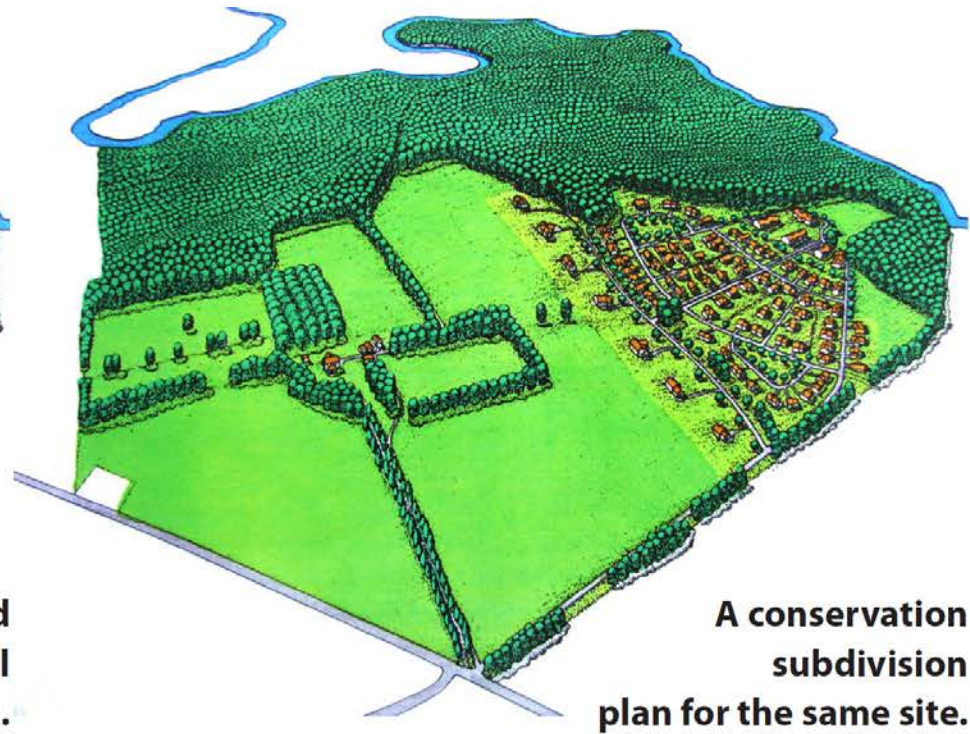
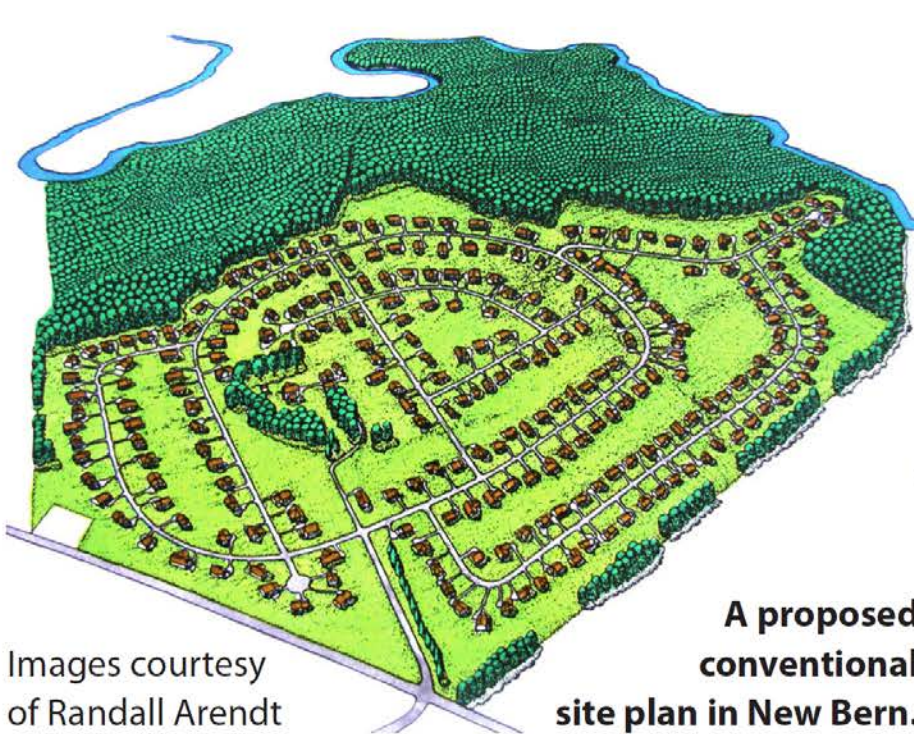
By Paul A. Specht - aspecth@newsobserver.com

10-13 minutes

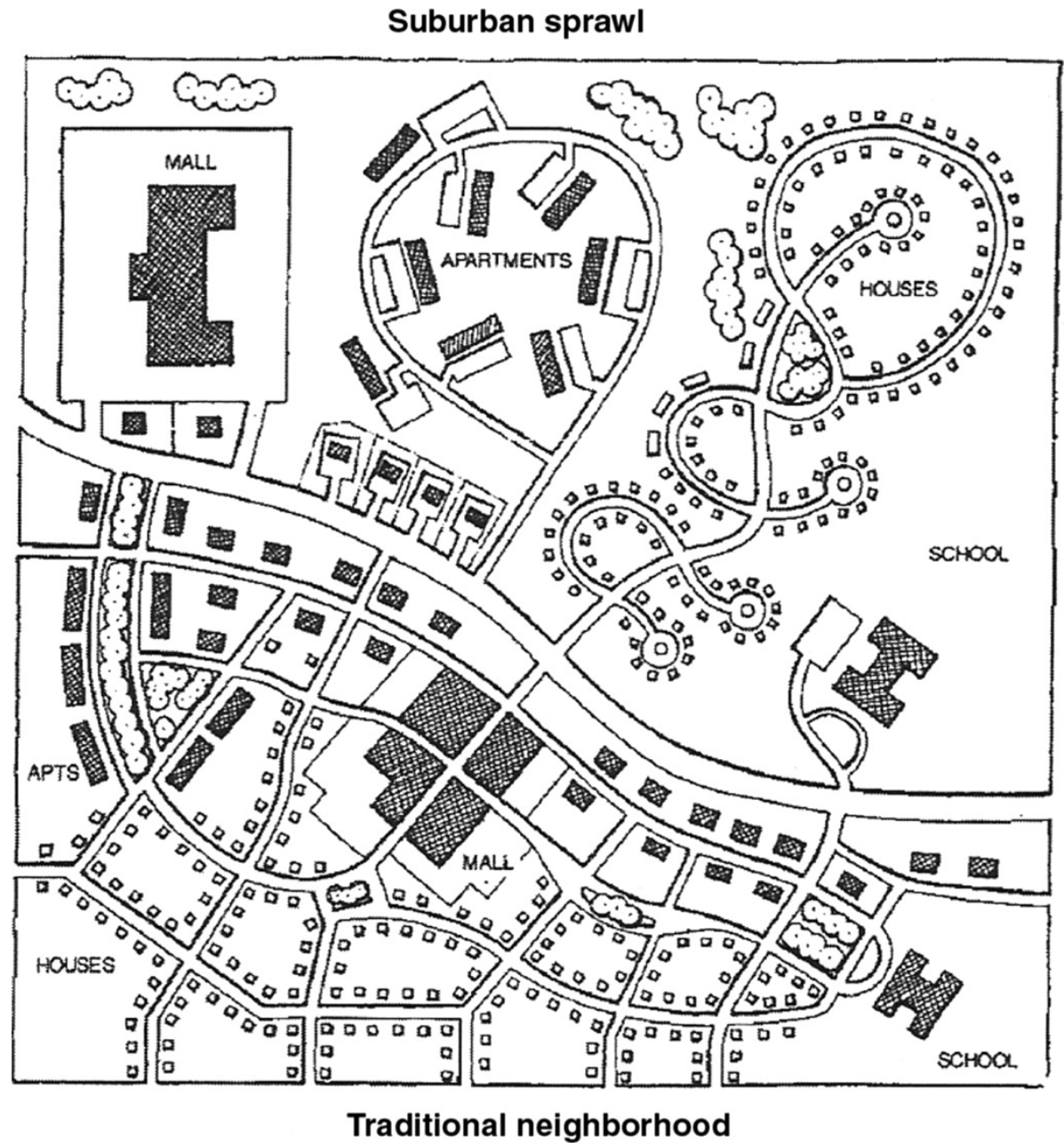
The Cary Town Council heeded calls Thursday from residents to slow a rapid pace of residential development in west Cary, and for the first time declined to vote on a request that would have allowed 130 homes until county officials address a “crisis” of crowding at area schools.

Council members said they liked the terms of the request presented by 13 property owners to rezone 58 acres on Wackena Road. Although the property owners sought a zoning that would allow for up to eight homes per acre, an acceptable density under Cary’s land use plan, they offered to cap the density of their land at 3.1 homes per acre.

Open Space and Conservation Subdivisions



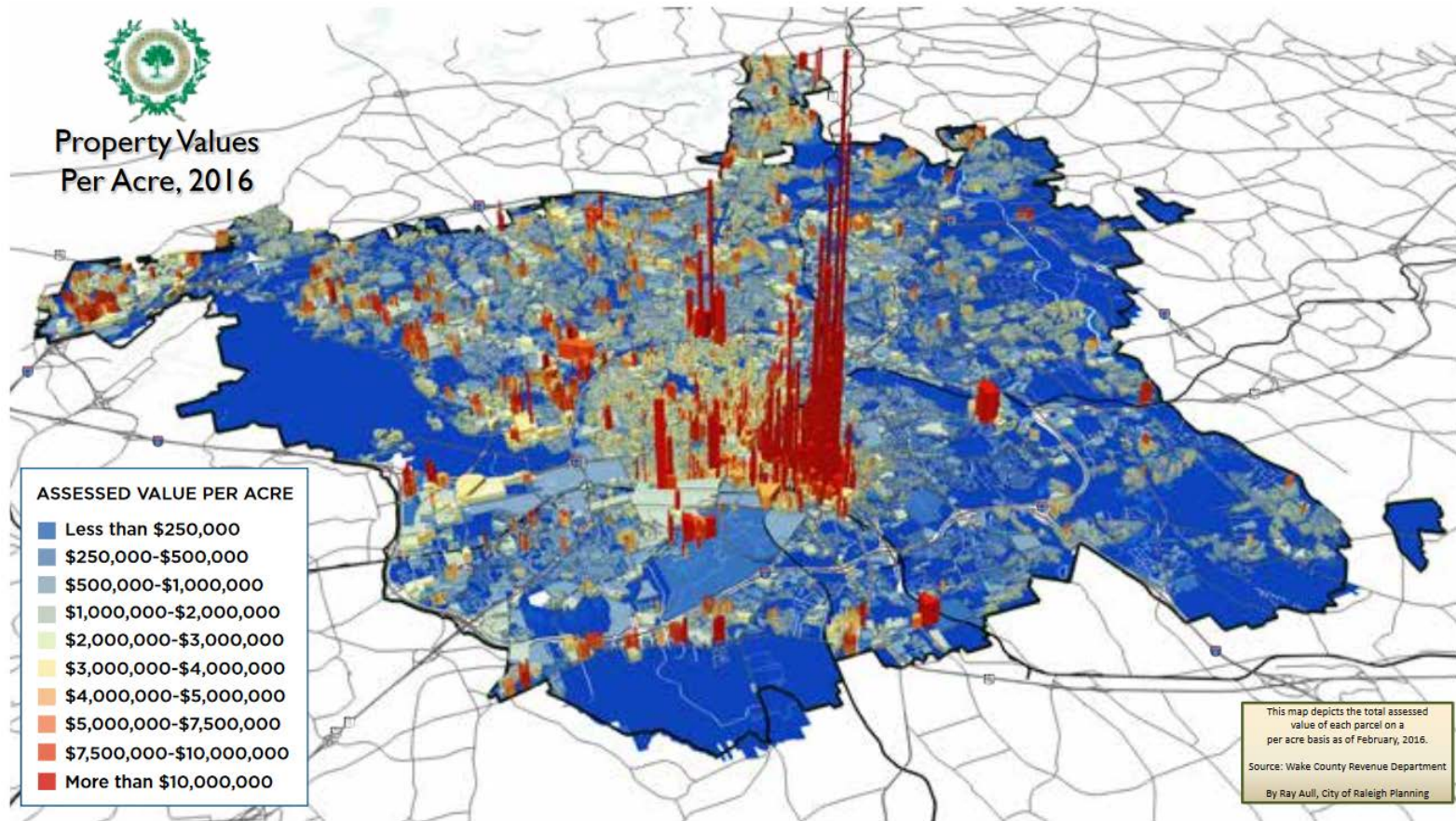
Design of Growth



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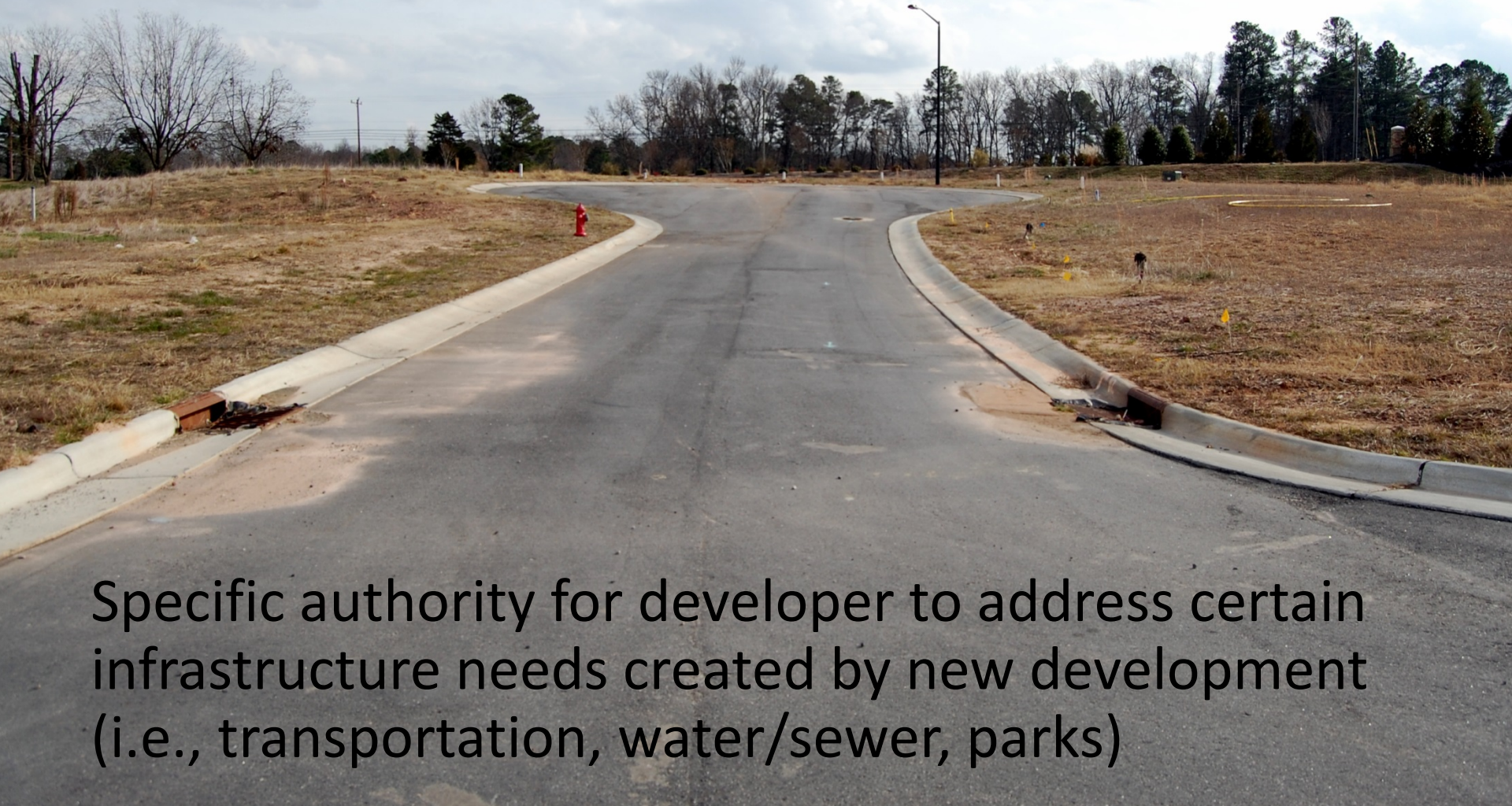


Costs and Benefits of Development



Source: City of Raleigh Planning Department, Ray Aull

Exactions



Specific authority for developer to address certain infrastructure needs created by new development (i.e., transportation, water/sewer, parks)

Impact Fees

- Water and sewer “system development fees” authorized
- School impact fees prohibited



Timing and Phasing

- Phased development approvals
- Development agreements
- Reimbursement agreements

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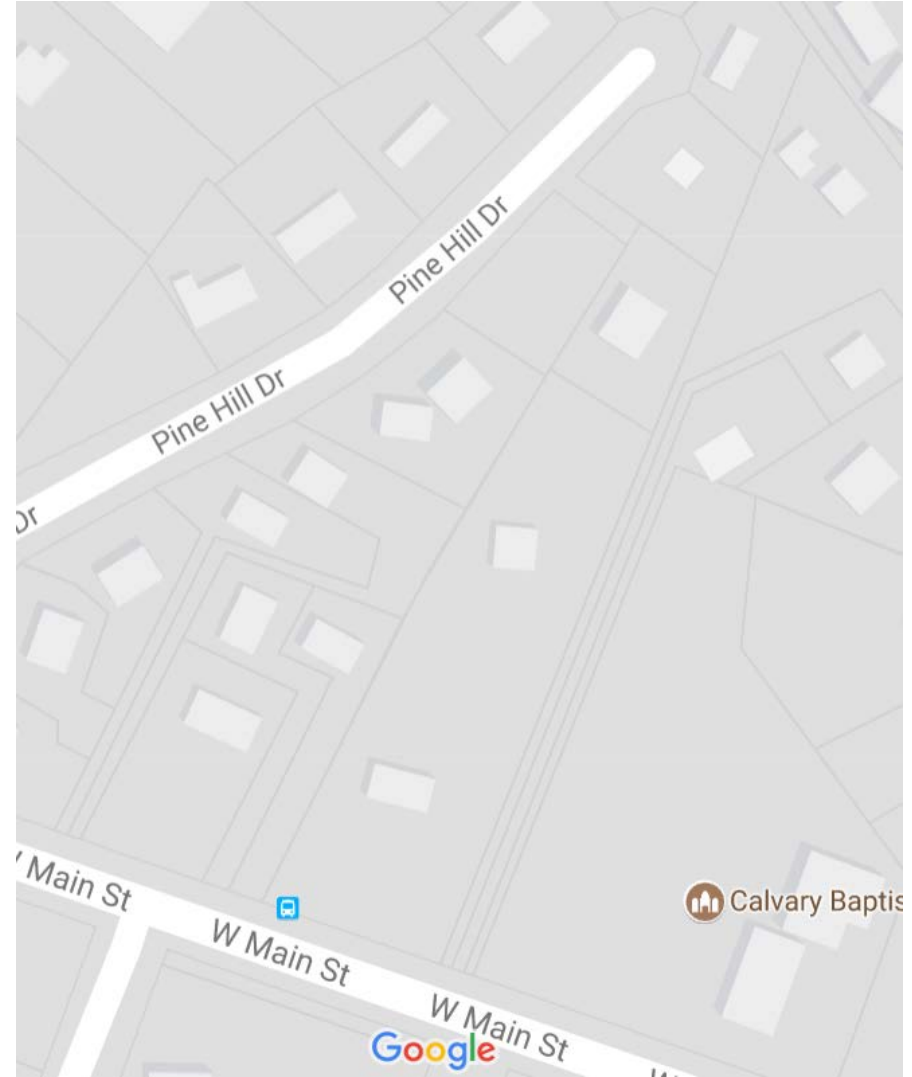
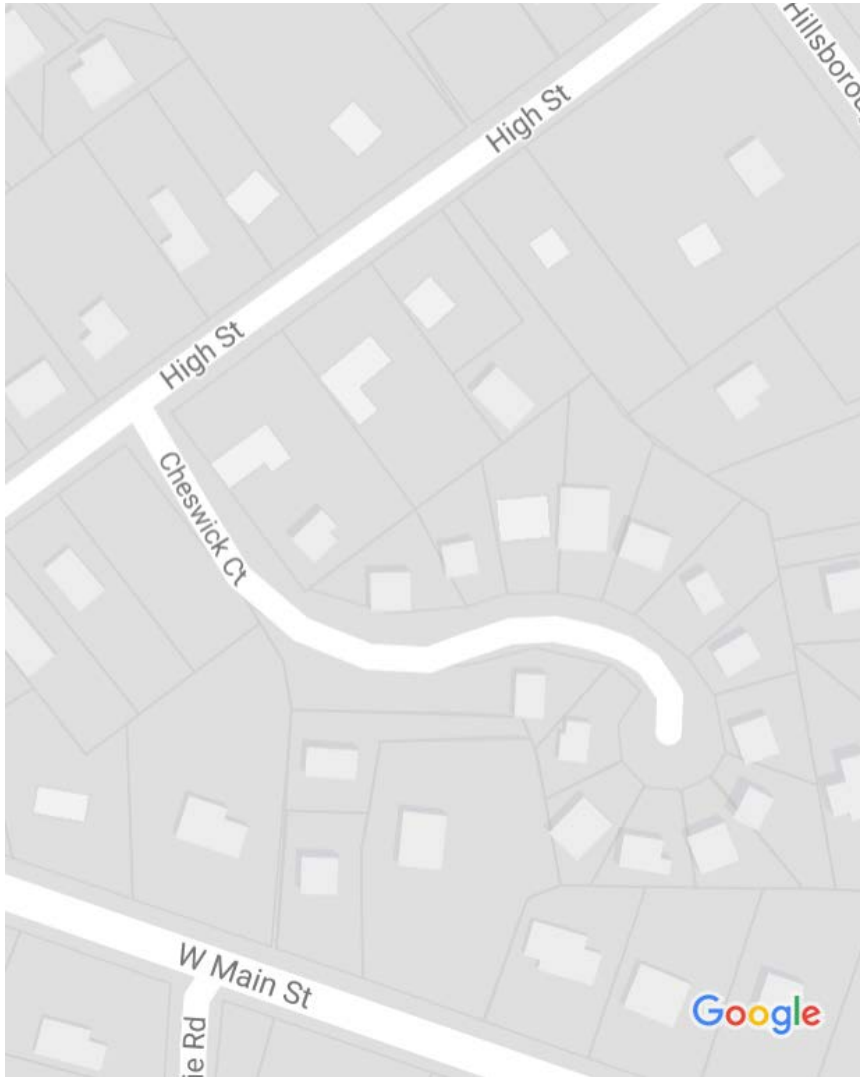
Infill Challenges



Teardowns

- Limited authority to prevent demolition (one year delay in historic districts)
- Clear authority for development standards for new building (size, height, setback, orientation)
- Limits on architectural design (more later)

Small Subdivisions



Trees?

1997 Local Legislation

- Davidson, Cornelius, Huntersville, and Nags Head authority to regulate trees (exclusion for property to be developed for single-family or duplex residential uses)

2005 General Statute (160A-458.5)

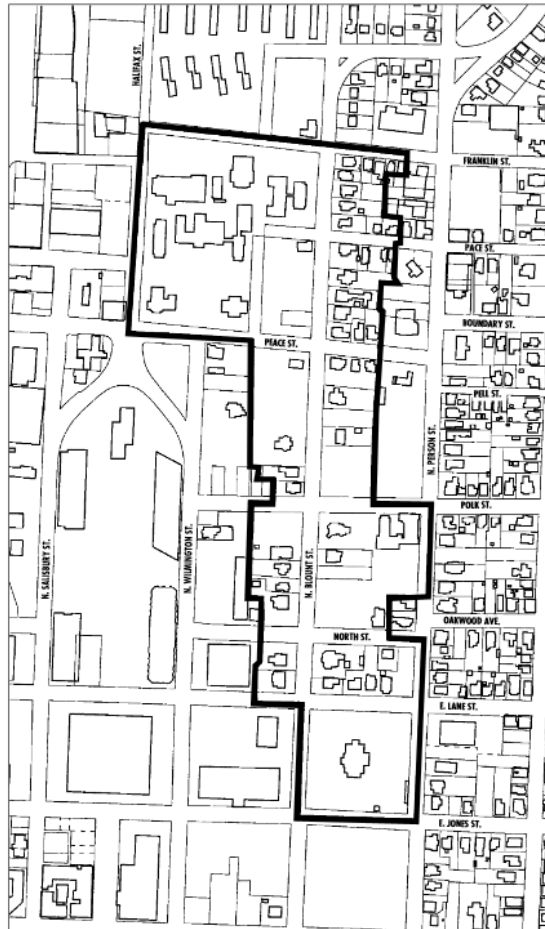
- Municipality may not regulate forestry activity associated with forestry management plan or on land in present-use value taxation
- Municipality may still enforce ordinances related to development

Historic Districts



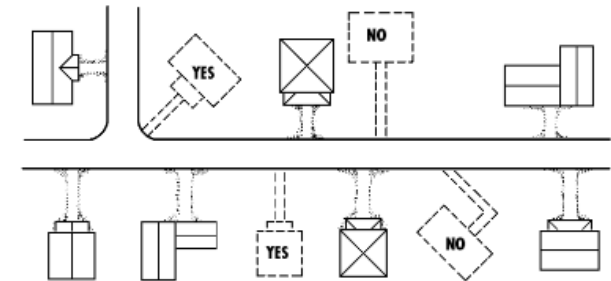
RALEIGH HISTORIC DISTRICTS COMMISSION

Blount Street Historic District

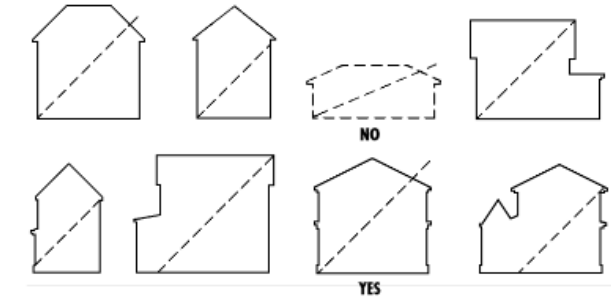


RALEIGH HISTORIC DISTRICTS COMMISSION

4.3 New Construction Continued from page 56



The proposed siting for new buildings should be compatible with the setbacks, orientation, and spacing of existing district buildings.



Proposed new buildings should be compatible in height and proportion of front elevation with surrounding buildings that contribute to the district character.



The windows and the doors for proposed new buildings should be compatible in proportion and pattern with the windows and the doors of surrounding buildings that contribute to the district character.

Form-Based Codes

2.0. DISTRICTS 2.4. HR-2: Expansion

STREET CROSS-SECTION



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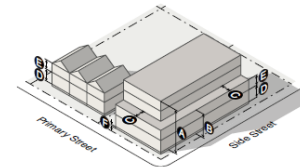
COUNCIL DRAFT September 9, 2014

Haywood Road Form District Asheville North Carolina

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2.0. DISTRICTS 2.4. HR-2: Expansion

3. HEIGHT



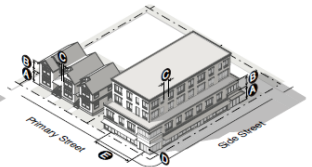
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Residential	30'/30'
Nonresidential	15'/30'

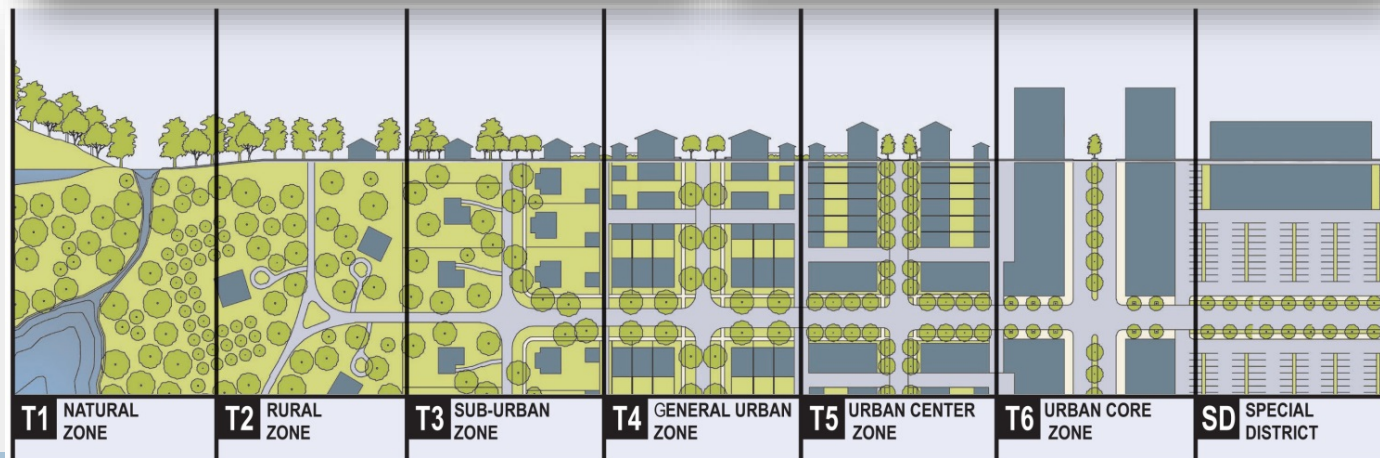
Pedestrian Access	
D Entrance facing primary street	Required
E Entrance spacing along primary street (max)	50'

Building Elements Allowed	
Residential: awning/canopy, balcony, front porch, stoop	
Nonresidential: awning/canopy, balcony, forecourt, courtyard	

COUNCIL DRAFT September 9, 2014

Haywood Road Form District Asheville North Carolina

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T1 NATURAL ZONE

T2 RURAL ZONE

T3 SUB-URBAN ZONE

T4 GENERAL URBAN ZONE

T5 URBAN CENTER ZONE

T6 URBAN CORE ZONE

SD SPECIAL DISTRICT

Limits on Residential Design Regulations (160A-381)

May not regulate

- building color
- exterior cladding material
- roof structures or porches
- architectural ornamentation
- location or style of windows and doors, including garage doors;
- number and types of rooms; interior layout of rooms

May regulate

- height, bulk, orientation or location of a structure
- buffering or screening to minimize visual impacts
- Permitted uses
- Historic district design
- Commercial and multifamily
- Design for building code and flood insurance
- Manufactured housing
- Conditions agreed to

Infill Opportunities





Increments of Growth



Missing Middle



Opticosdesign.com/missing-middle-housing

- I. Context of Growth
- II. Slowing/Containing Growth
- III. Paying for Growth
- IV. Infill Challenges and Opportunities
- V. Competing Interests



Values and Interests

- Community and Region
- Vibrancy and Stability
- Affordability and Property Value

Additional Housing Tools

- Increase supply and diversity of housing
 - accessory dwelling units, missing middle development, multifamily development
- Town investments
 - Use revenues and bond funds, develop/donate public property, acquire and rehab at-risk rental properties, provide homeownership support
- Partnerships
 - Affordable housing providers, community land trusts

Questions

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UNC
SCHOOL OF GOVERNMENT

www.sog.unc.edu

Agenda Title: Affordable Housing Strategy

Manager's Report:

Summary:

ATTACHMENTS:
Description:
▢ Presentation by Town Attorney Cindy Reid on Affordable Housing



The Town of Davidson will preserve existing affordable housing,* and other indicia of inclusion, and work with a variety of partners to create new available, affordable workforce and elderly housing

*Affordable housing for the Town of Davidson is defined as incomes between 50% and 120% AMI

Why are we here?

- Update on program, DHC update, Ada Jenkins training house, subcommittee report, housing needs assessment findings and recommendations, payment in lieu discussion, and Steering Committee recommendations for PIL funds
- What do we need from the Board of Commissioners?
- Direction
- What do you as a Board want to prioritize?
- How do you want to spend payment in lieu funds?
- Are you willing to use public land for affordable housing?
- Are you willing to use public funds to subsidize new affordable housing?
- Assuming it fits within the neighborhood and has sufficient parking, etc., will you consider a 20- 40 unit senior housing or townhome project using public land and public funds (i.e., payment in lieu funds)?

Update on Program

- **Bradford: 12 recent sales, \$155,000- \$200,000, incomes 80%-120% AMI (HH 4= \$59,300 to \$88,920)**
- **Bailey Springs: 15, \$125,000- \$173,000, incomes less than 60% AMI - 120% AMI (HH= \$44,460 to \$88,920)**
- **Resales in Bradford, Summers Walk, South Main Square**
- **Affordable Housing Summit- Ada, Habitat, DHC**
- **Identified 6 homes in west side that need repairs. Habitat met with homeowners and have a list of repairs and costs.**
- **Ada Jenkins Teaching House- Town owned Shearer Street House**

Affordable Housing Steering Committee

- Mike Kessler- realtor
- Jim Burbank- regional builder- Summers Walk, Bailey Springs, Deer Park, Little gate
- Robert Trembley- builder – Harbour Place
- David Holshouser- DC representative
- Marcia Webster- DHC
- Susan Cooke- Planning Board rep
- Paul Clarke – Habitat rep
- Pat Williams- real estate attorney and ETJ rep
- Amy Doughten- homeowner
- Juliet Bowden- neighborhood rep
- Ed Harris- retired former developer
- Dawn Blobaum- Staff
- Rusty Knox- Mayor

SHARE DHC DATA

Housing Needs Assessment

Less than \$35,000- “About 550 households fall in this income range. Virtually all renters in this lowest income range (about 330 households) are cost-burdened, indicating they are in need of less expensive housing, as are the majority of homeowners in this income range (about 150 households), indicating a potential need of **480** units affordable to households with very low incomes.” (emphasis added)

“There are approximately 400 households in Davidson that make between \$35,000 and \$50,000 a year (an approximation of the HUD AMI limits for a family of 4). Of these, about one-quarter are cost-burdened, which equates to about 35 renter households and 70 owner households, indicating a potential need of about **100** units affordable to low income households.” (emphasis added)

“About 580 households have incomes between \$50,000 and \$75,000 (an approximation of the HUD AMI limits for a family of 4). Around 135 of these households are cost-burdened (20 renter- and 115 owner-occupied), indicating a potential need for **135** additional affordable units for moderate income households.”



Housing Needs Assessment

Emerging and existing needs based on the current housing inventory:

Need for more rental units, especially apartments.

Need for more affordable senior housing.

Need for more affordable units for very low-income households.

Existing Housing

“As the neighborhood gentrifies, the naturally affordable housing now in existence will be replaced by uses other than housing or by housing that is no longer affordable to the people currently living in the area. The Town will have to plan proactively around whether or not to preserve the existing affordable housing stock in this neighborhood.”



Payment in Lieu

- \$26,500 per unit
- \$1,235,817 AFH fund balance
- FY 2018 add \$212, 400



Affordable Housing Steering Committee Recommendations

Senior/Townhome Rental Development

Subcommittee report – Mike Kessler

\$900,000 + and land

Down Payment Assistance - \$45,000 annually

\$7000 max. limited to households earning 80% to 120% AMI

Purchase of land, new construction- \$200,000

Funds available on a grant basis with subcommittee review and full committee approval.

Projects over \$50,000 need BOC approval.

Process similar to HOME and TOD non-profit process

Home Repair- \$100,000

Available to all people in the program (\$1,245,900 /FY 18 \$1,457,900)