



## Targeted Conditional Zoning Growth Management Tool

To: Planning Board  
From: Jason Burdette, Planning Director  
Date: July 27, 2020  
Re: Targeted Conditional Zoning Update

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### 1. OVERVIEW

The Board of Commissioners directed staff to explore strategies to better control the pace of development—specifically targeted conditional zoning. Staff brought information to the Board in July 2019 and was directed to explore creative strategies to implement a targeted conditional requirement for residential development. The Board of Commissioners provided specific feedback on preferred strategies at their September 2019 work session and gave more specific direction regarding metrics at their November 2019 work session. The attached document provides specific text reflecting targeted conditional strategies. All strategies assume the existing planning areas designation as a baseline for any development.

### BACKGROUND

Davidson is not immune to growth pressures, which seem to have amplified in recent years. The regional economy remains strong and Davidson is an attractive place to live—the college, historic buildings, and intentional design/regulations contribute largely to this. Davidson has had success in determining what type of development should go where; Davidson has not had much success in controlling the timing of development. Implementing a targeted conditional zoning mechanism could improve the town’s ability to better control the pace of development, while simultaneously providing opportunities to secure specific town goals—such as affordable housing units constructed.

Davidson’s existing conditional zoning process (CPA) is an example of conditional zoning. The CPA provides the town with the broadest degree of discretion in making zoning decisions. Implementing targeted conditional thresholds would provide the Board of Commissioners greater control over approvals that were previously administrative.

At their September 2019 work session, the Board of Commissioners provided feedback on a variety of options provided by staff. This included focusing on the Village Infill, Neighborhood Edge, and Rural Planning Areas—those planning areas identified by staff as experiencing the most growth pressure (BOC Strategic Plan 2018) and not including commercial.

Staff presented a menu of metrics at the November 2019 work session which looked at unit count and parcel acreages. Staff presented high, medium, and low thresholds for targeted conditional triggers based upon existing development patterns, as well as hybrid options. The BOC provided direction that favored

using the lower numbers. Working with the PBOC (Planning Board Ordinance Committee), staff developed potential text language.

After a several-months pause due to the health pandemic, staff revisited targeted conditional with the BOC at their July work session meeting to share with them the draft text developed based upon the direction given in November. New feedback was given which considered a more conservative threshold approach and also added Lakeshore Planning Area to the mix.

## **STRATEGIES**

Based upon direction given by the BOC at earlier work sessions, staff has developed text language using a hybrid approach (units/acreage) in the Village Infill, Lakeshore, Neighborhood Edge, and Rural Planning Areas. Each of the thresholds below represent the lowest in the range of options.

### ***VILLAGE INFILL PLANNING AREA (VIPA)***

Unit Counts: Any proposed development 8 dwelling units or greater would require conditional approval from the Board of Commissioners.

### ***LAKESHORE PLANNING AREA (LAK)***

Unit Counts: Any proposed development 8 dwelling units or greater would require conditional approval from the Board of Commissioners.

### ***NEIGHBORHOOD EDGE PLANNING AREA (NEPA)***

Unit County/Acreage: Any new development whose master plan encompasses 36 dwelling units or greater OR 35 acres or greater requires conditional approval from the Board of Commissioners.

### ***RURAL PLANNING AREA (RPA)***

Unit County/Acreage: Any new development whose master plan encompasses 36 dwelling units or greater OR 15 acres or greater requires conditional approval from the Board of Commissioners.

## **2.RELATED TOWN GOALS**

### **Draft Strategic Plan (2020)**

A Well-Planned and Livable Community – Preserve our rural area and create well-planned, dynamic community places with connected progressions between them. Action: Implement targeted conditional zoning.

Historic Preservation – Preserve our historic properties that contribute to our vibrant and unique community and honor the history of the lived experiences of our residents.

Connecting People and Places – Expand the town’s transportation network to provide residents and visitors with safe, convenient and efficient travel choices to connect people across the community.

### **Davidson Comprehensive Plan (2020)**

Action 2.1.3: Consider thresholds for targeted application of conditional master plan process.

Action 2.2.5: Continue implementation of the Rural Area Plan, including buffers of streams and viewsheds.

### **Core Values**

Citizens are the heart of Davidson, so town government will treat people fairly, with courtesy and respect.

Open communication is essential to an engaged citizenry, so town government will seek and provide accurate, timely information and promote public discussion of important issues.

Davidson's historic mix of people in all income levels and ages is fundamental to our community, so town government will encourage opportunities, services, and infrastructure that allow people of all means to live and work here.

Davidson's traditional character is that of a small, historic college town, so land planning will reflect its historic patterns of village-centered growth including connection of neighborhoods, preservation of historic resources, conservation of rural area, and provision of public spaces.

Citizens need to move easily throughout the town and the region, so government will provide a variety of options, such as sidewalks, bike paths, greenways, connected streets, and transit.

Citizens must live in a healthy environment, so town government will protect watersheds, trees, air quality, and other elements of the town's ecology.

## **3. OPTIONS/PROS & CONS**

**Options:** A number of options were presented at earlier work sessions. At the BOC's direction, staff settled on those described above as the most implementable and effective.

### **Pros:**

- 1) Could better control the timing of development, adding intentional additional steps
- 2) Could provide opportunities to achieve specific town goals such as affordable housing
- 3) Could allow additional opportunities for public input
- 4) Provides the Board of Commissioners a direct say in the type and scale of development they would like to see in specific locations
- 5) Additional oversight for contextually sensitive development in most pressured neighborhoods (VIPA) and in the most fragile lands (RPA)
- 6) In RPA, would likely trigger the largest parcels with significant open space requirements
- 7) Could allow additional flexibility for creative/innovative development

### **Cons:**

- 1) Could reduce the value of larger parcels (i.e. harder to develop); significant burden on these property owners
- 2) Could lead to uneven development pattern (if other planning areas deemed "easier")
- 3) Unit count options could incent large lot development (expensive homes) to stay below development thresholds
- 4) Reduces the predictability of the process for land owners, developers, citizens, planners

- 5) Would significantly lengthen approval process
- 6) Could require additional staffing to accommodate lengthened and focused process
- 7) Would require additional time of the Board; specifically meeting time allocated to conditional discussion.
- 8) Would require additional time of the Planning Board; recommendation would be required beyond their typical “review and comment” per the DPO.
- 9) Would likely lead to a highly-politicized process
- 10) Could negate previous community-wide planning efforts/initiatives/plans (i.e. create de facto conditional zoning everywhere)
- 11) Targeted threshold could result in the underutilization of land (i.e. not the highest and best use)

#### 4. FYI or RECOMMENDED ACTION

FYI

#### 5. NEXT STEPS

Staff will solicit additional feedback from the PBOC and Planning Board and bring forth DPO text amendments at a future public hearing –potentially August. Process steps include:

1. **Staff/PBOC:** Finalize DPO Draft Text
2. **Planning Board:** Additional feedback, July
3. **BOC:** Public Hearing (potentially August)
4. **Planning Board:** Recommendation (potentially Aug./Sept.)
5. **BOC action:** Potentially Sept./Oct.