

Frequently Asked Questions (FAQs)
Targeted Conditional Zoning (TCZ) – Proposed DPO Text Amendments
August 2020

1. What is Targeted Conditional Zoning (TCZ)?

Targeted Conditional Zoning is a proposed growth management tool whereby development proposals in certain planning areas (zoning districts) would require approval by the Board of Commissioners (BOC) if they reach specific thresholds based upon number of dwelling units and/or acreage. This proposal builds upon the existing Conditional Planning Area (CPA) process, which also requires board approval.

2. In which planning areas would Targeted Conditional Zoning apply?

As currently proposed, Targeted Conditional Zoning would apply in the Village Infill (VIPA), Neighborhood Edge (NEPA), Rural (RPA), and Lakeshore (LAK) Planning Areas. These planning areas were selected by the Board of Commissioners as being most susceptible to development pressure.

3. What are the proposed thresholds that would trigger conditional zoning?

Development proposals that reach specific thresholds described below would require conditional approval from the Board of Commissioners (BOC).

PLANNING AREA	PROPOSED THRESHOLDS
Village Infill (VIPA)	8 dwelling units (d/u)
Lakeshore (LAK)	8 d/u
Neighborhood Edge (NEPA)	36 d/u OR 35 acres
Rural (RPA)	36 d/u OR 15 acres

4. How were the proposed thresholds determined?

Staff presented a menu of threshold options at the November 2019 BOC work session based upon an analysis of historic development patterns (dwelling unit count and parcel acreages). Staff reviewed high, medium, and low thresholds for targeted conditional thresholds based upon existing development patterns, as well as hybrid options combining dwelling units and acreage into a single trigger. The BOC provided direction that favored using the lower thresholds. At the July 2020 BOC work session, commissioners provided new feedback to staff which considered a more conservative approach and also added Lakeshore Planning Area to the mix.

5. What's the reasoning behind this?

Davidson is not immune to growth pressures, which seem to have amplified in recent years. Davidson has had success in determining what type of development should go where; Davidson has had less 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.

Also, the [Davidson Comprehensive Plan \(2020\)](#) recommends exploring targeted conditional zoning as a growth management tool (Acton 2.1.3). The Board of Commissioners' [Draft Strategic Plan](#) recommends implementing targeted conditional zoning (Pgs. 8, 14).

6. What about existing zoning and/or plans?

Existing Davidson Planning Ordinance (DPO) requirements for respective planning areas would remain unchanged. The intention is not to make everything in town de facto conditional. The town still has a comprehensive DPO with rigorous development standards. The underlying zoning would still be the baseline for any development once a threshold is triggered.

7. What conditions might be imposed on my land should I elect to develop?

Each development proposal that reaches or exceeds the established thresholds would be considered individually by the BOC, who would determine the conditions for each project.

8. Could a development proposal be denied under Targeted Conditional Zoning?

Yes. There could be a number of reasons why the BOC would deny a development proposal including proposed intensity, size, infrastructure capacity, ability to serve with utilities or public safety providers, etc. All conditional development proposal approvals are at the discretion of the BOC.

9. Do other communities in North Carolina do this?

Other communities use similar processes specific to certain types of development. For instance, Asheville uses conditional approvals for large commercial and residential developments above 50 d/u; Chapel Hill uses conditional use permits to allow for additional density and the provision of affordable housing; Cornelius uses conditional for specific uses (micro-breweries/commercial) and residential developments (though they are considering relaxing these standards); Mooresville uses conditional for specific uses.

10. What are the benefits of Targeted Conditional Zoning?

While this is not an all-inclusive list, some of the benefits of TCZ are:

- a. Could better control the timing of development, inserting additional/intentional steps
- b. Provides opportunities to achieve specific town goals such as affordable housing
- c. Allows additional opportunities for public input
- d. Provides the Board of Commissioners a direct say in the type and scale of development they would like to see in specific locations
- e. Provides additional oversight for contextually sensitive development in the most pressured neighborhoods (VIPA) and in the most fragile lands (RPA)
- f. Could allow additional flexibility for creative/innovative development

11. What are the drawbacks of Targeted Conditional Zoning?

While this is not an all-inclusive list, some of the drawbacks of TCZ are:

- a. Could reduce the value of larger parcels (i.e. harder to develop); significant burden on these property owners
- b. Could lead to uneven development pattern (if other planning areas deemed "easier")
- c. Targeted threshold could result in the underutilization of land (i.e. not the highest and best use)
- d. Reduces the predictability of the process for land owners, developers, citizens, commissioners, planners
- e. Would significantly lengthen the approval process
- f. Would require additional time of the Board; specifically meeting time allocated to conditional discussion.

- g. Would require additional time of the Planning Board; recommendation would be required beyond their typical “review and comment” per the DPO.
- h. Could lead to a highly-politicized process
- i. Could negate previous community-wide planning efforts/initiatives/plans (i.e. create de facto conditional zoning in affected planning areas)

12. What’s the process for the text amendments to be approved?

The Planning Board and Board of Commissioners have received periodic updates on the topic in recent months. As with all text amendments, a public hearing will be required along with a formal recommendation from the Planning Board.

- Public Input Session: Thursday, August 27.
- BOC Public Hearing: TBD
- Planning Board Recommendation: TBD
- BOC Action: TBD

13. Where can I read the actual proposed ordinance changes?

The draft text amendments and other pertinent information can be found on the [Maps & Text Amendments page](#) of the Planning Department’s website. Once there, click on “Text Amendments.” Or, click directly on this link: [Proposed DPO Changes to Sections 2 + 4](#).

14. How can I share my feedback on Targeted Conditional Zoning?

There are several ways to provide feedback.

- Public Input Session: Planning staff will host a virtual Public Input Session to solicit feedback on the proposed Davidson Planning Ordinance (DPO) text amendments related to Targeted Conditional Zoning. The Public Input Session will be held Thursday, August 27, 2020 from 6-7:30 on Zoom. Staff will give a presentation on the proposed text amendments; a moderated question and answer session will follow via the chat function. To participate in the meeting, please use the link: <https://tinyurl.com/DavidsonPublicInput8252020> or join by phone at (646) 558-8656 (Webinar ID: 838 3476 3709). If you choose, you may also text questions during the Public Input Session to 704-251-9441.
- Email: You may also submit comments via email to planning@townofdavidson.org (please include “Targeted Conditional” in the subject line).

Information gathered at the Public Input Session will be shared with the Board of Commissioners.