

Working Draft Brown Town/Cornwallis Community NCO

The Brown Town/Cornwallis Community initiated this Neighborhood Conservation Overlay (NCO) process so that new development reflects the character of the neighborhood. Neighborhood residents became more involved in nearby development after several controversial rezoning requests on properties near the Cornwallis Drive and North Elm Street intersections. As a result of these changes and with the increase in new houses in adjacent neighborhoods, the neighborhood decided to pursue the NCO.

City staff is recommending the following standards for consideration after 3 public meetings and several meetings between staff and the neighborhood steering committee. These are open to be modified by the neighborhood, and some of these may be dropped and others added if need be.

Why an NCO?

An NCO can help older neighborhoods retain their character as new development occurs; some contemporary house designs do not blend well with older homes, and current zoning regulations allow for significantly greater density of construction and smaller lot sizes than the current norm in the Brown Town/Cornwallis Community.

An NCO sets broad standards based on existing neighborhood characteristics that the neighborhood thinks are important to their identity and uniqueness.

A few things to keep in mind about this NCO:

- Existing houses do not need to be changed to conform to an NCO. **The initial recommendation is that standards listed in this NCO apply only to entirely new construction or existing houses getting additions to the front façade greater than 25% of the existing foot print, and for new garages.**
- It is possible that some homes will become “non-conforming structures” if an NCO is adopted and the house is not in compliance with some aspect of the new standards. This will not prevent owners from making changes to their property as long as these changes do not increase the non-conformance. As the NCO is designed to reflect the current characteristics of the neighborhood, the presence of “non-conforming structures” should be limited. If in doubt, check with City staff about any potential impacts to your house.
- Once the NCO is established, City staff will review building permits for compliance with the NCO; there are no further steps to the review process, though some extra materials (such as a site plan or tree conservation plan) may need to be submitted for review.
- If a property owner is planning work that is not permitted by the NCO regulations, they may ask the City’s Technical Review Committee (TRC) for a Type 2 modification. The TRC will allow the modification and accept the plans if they decide that the applicants plan demonstrates equal or better performance regarding the intent of the NCO.

Where are we now?

The Brown Town/Cornwallis Community is following the city's standard NCO process:

- The process was initiated in 2010 by means of a petition that required the support of at least 25% of the neighborhood's owners and land area for an NCO. Forty percent of property owners representing 39% of the land area in the Brown Town/Cornwallis area signed this petition. ✓
- Three public meetings have been held to discuss what neighbors consider distinctive about the neighborhood and ways to enhance the neighborhood ✓
- Staff suggestions have been submitted for NCO standards based on the neighborhood's priorities. ✓
- **The neighborhood reviews these staff suggestions ✓ (where we are now)**
- A draft of the NCO standards (based on those agreed upon by the neighborhood steering committee) will be presented to neighborhood property owners for additional comments.
- A petition (based on a final NCO boundary and standards) to determine the extent of neighborhood support for the NCO. The ordinance requires signatures of at least 51% of property owners, representing 51% of the land area of the Brown Town/Cornwallis Community NCO boundary, in order to continue the process.
- The Planning Board will review the NCO document and standards as the first step in the public hearing process. The Zoning Commission will then review the final NCO boundary and the City Council will conduct a final hearing to approve the NCO standards.

Building Height

Purpose: To maintain neighborhood appearance by limiting building heights so that they are similar to adjacent properties.

Currently: The Land Development Ordinance limits residential building heights to 50', with a maximum of 3 stories, and non-residential buildings to 80' in limited instances; most one story homes are less than 20 feet tall, and most two story homes are less than 30 feet tall.

Proposed:

The height of new houses should be no more than 1.5 times the average height of the houses on the block face (a one-block section of one side of the street). Building heights will be measured from the grade level at the front corners of the house to the peak of the roof.



(Typical block face)

Average of Existing Building Heights=22 feet

22 x 1.5=Maximum Height for New Construction=33 feet

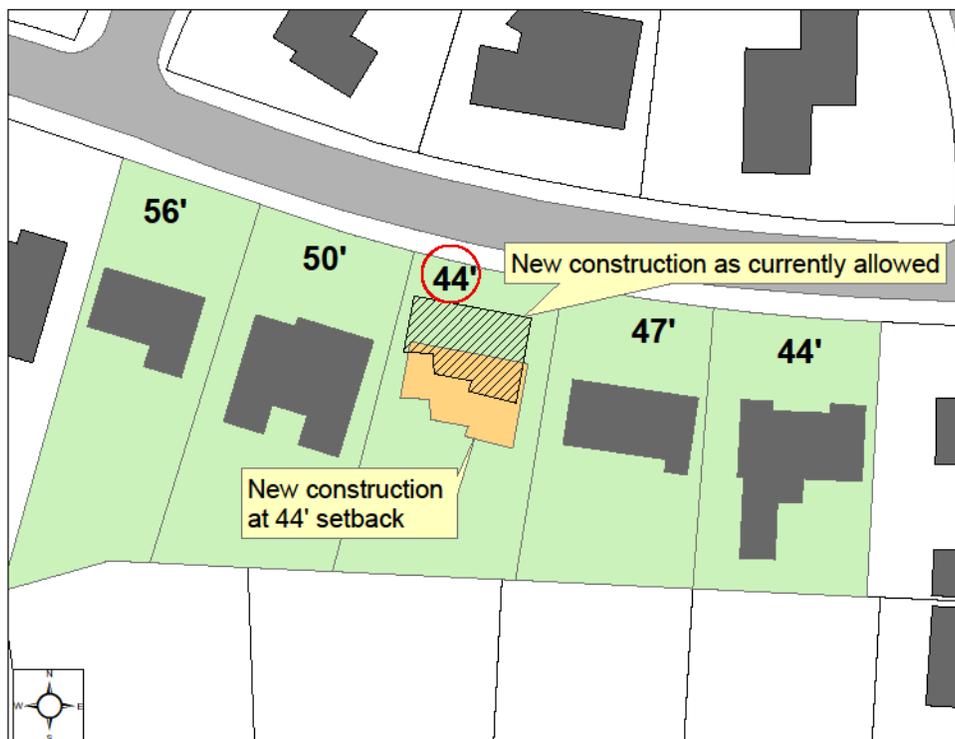
Front Yard Setback

Purpose: To maintain a consistent look from the roadway.

Currently: The Land Development Ordinance requires minimum setbacks of 25 feet for properties zoned R-3, which is most of the neighborhood, and 20 feet for a few properties zoned R-5 along the southern side of Cornwallis near the North Elm intersection. Most homes in the neighborhood are set back significantly farther. The LDO also allows “Context Infill” as an option, available only to single family residential detached development, where the minimum setback is the average setback for the two adjacent properties on each side of a lot.

Proposed:

The front yard setback for should be no smaller than the smallest front yard setback of the two adjacent properties on both sides of the subject property. The setback is measured at the principal building façade and does not include porches, steps, stoops or balconies, etc.



Smallest setback of the adjacent lots is 44', which would become the minimum setback for the middle parcel. Hatched area shows setback as currently allowed.

Tree Conservation

Purpose: To prevent the clear cutting of lots for new construction

Currently: The Land Development Ordinance does not require tree conservation for single family properties. There is limited tree conservation for multi-family projects with more than 8 units and non-residential projects. The amount of area for tree conservation is based on the size project. Projects less than 1.26 acres must conserve trees equal to 1% of the lot, projects between 1.26 and 5 acres must conserve 5% of the lot and projects greater than 5 acres must conserve 10% of the lot. Up to 50% of the area to be conserved may be reforested with new trees.

Proposed:

Applicable to all new construction or for additions greater than 25% of the existing house footprint

Conserve 60% of the trees located in the front yard that have a minimum 4 inch diameter at breast height. This requirement may be met by either:

- 1) conserving 60% of the existing trees **OR**
- 2) conserving 30% of the existing trees and reforesting the other 30% anywhere on the property. New trees should be at least of a 2 inch caliper if understory and of a 4 inch caliper if canopy. New trees should be of the same type (canopy or understory) but not necessarily of the same species as those replaced.



Current house has 3 trees in front yard.



New house must preserve 60% (two trees); one tree in front yard remains, one new tree planted in back, as per option 2 above

Garage and Carport Placement

Purpose: From the street, existing homes in the neighborhood typically focus on the front door and living spaces, and newer homes with a garage built in the front yard can look out of place; the appearance from the street should emphasize residents and not cars.

Currently: Under the Land Development Ordinance freestanding accessory structures such as garages or carports cannot be closer to the street than the primary building façade. Attached garages also have a minimum setback of 25-30 feet, compared to the setback for buildings of 20-25 feet. This means that only houses built at the minimum setback are required to have the garage located behind the front of the house; if the house is set back farther than the minimum, the garage may be in front of the house.

Proposed: For new construction or the construction of a new garage, the front of new attached garages and carports, regardless of size, should not be closer to the street than the principal building façade and should not comprise more than 40% of the width of the façade when the garage door opens to the street.

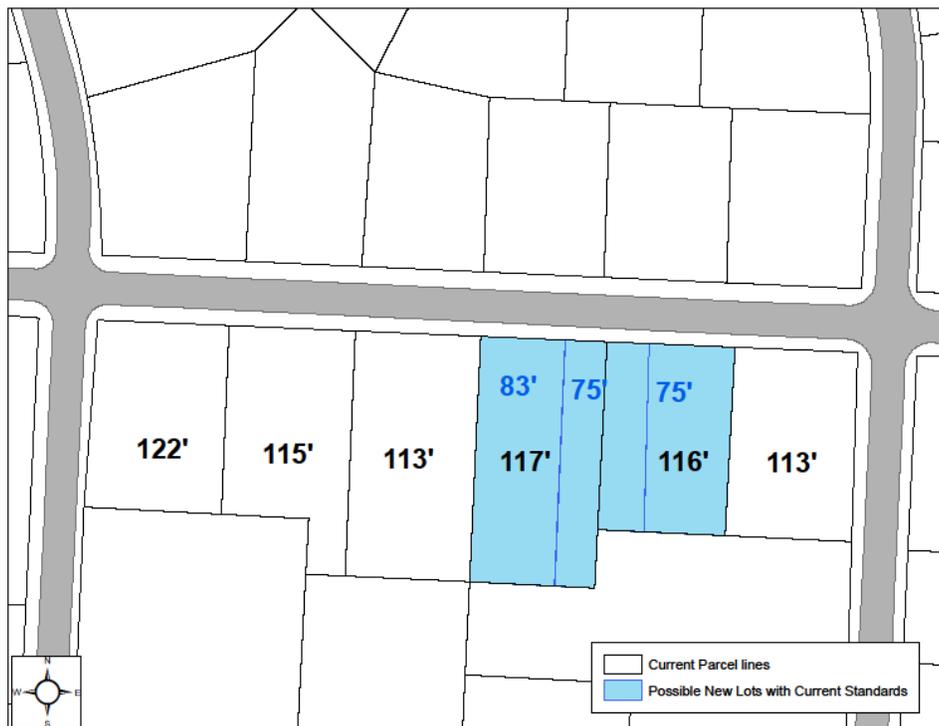


Lot Width

Purpose: Maintain the historic lot pattern of the neighborhood while allowing for appropriate infill development.

Currently: The Land Development Ordinance requires new lots to be at least 75' (80' for a corner lot) in width in R-3 zoning and 50' (58' for a corner lot) in R-5 zoning, measured at the front setback; the average lot width in the neighborhood is almost 110'. The LDO also allows a "Context Infill" option, available only to single family residential detached development, which allows the minimum lot width to be established using either the average width of the lots directly adjacent to either side of the property or the midpoint of widths for all lots on the same block face.

Proposed: The width of newly created lots should not be less than the average width of the lots adjacent to either side of the subject property or properties.



Average of Adjacent Lots = 113 feet

Maximum Building Coverage (% of Lot)

Purpose: To keep new homes in proportion to other homes in their section of the neighborhood;

Currently: The Land Development Ordinance allows for lot coverage of up to 40% for R-3 zoning, which is most of the neighborhood, or 30% for R-5. This includes all roofed structures. The majority of houses in the neighborhood are well below the zoning maximum allowed and do not dominate their lot.

Proposed: The maximum building footprint should not exceed 25% of the lot.

