

Rural Area Plan: Frequently Asked Questions

1/26/17

These questions include responses to questions asked at the Board of Commissioners meeting on 1/10/17 as well as general information about the Rural Area Plan and process. Abbreviations are used as follows: Rural Area Plan (RAP); Davidson Planning Ordinance (DPO).

I. EXECUTIVE SUMMARY

1. Why the RAP is Important to Davidson's Future?

Response: Davidson is a community that has always sought out a different path. In the face of rampant growth throughout the Charlotte region, we have chosen to set the tone and pace for our future, and to implement it in a manner that is appropriate to our community. The Rural Area Plan sets the stage for the next evolution of growth for the Town, but in a way that preserves significant amounts of open space, natural areas, and trees. It's a plan that prioritizes and safeguards these cherished features through the creation of required open space contributions; compact, walkable neighborhoods and village centers designed around parks and connected by greenways; and, an expanded network of choices for how we travel in and around our community.

Right now, the existing rules for development and zoning designations do not achieve these aims. Specifically, the current situation results in: Inconsistently applied standards leading to unpredictable development outcomes; inferior quality and quantity of open space, including less contiguous connectivity of open space; and, development that is inconsistent with the principles of the adopted Rural Area Plan, including ad hoc, speculative development that results in detrimental suburban sprawl. Implementation of the plan through the proposed, intentional rezonings and written changes to the Davidson Planning Ordinance will do more than just advance the plan's recommendations – it will assure consistency with our long-standing, measured approach to growth and preservation of our high quality of life.

II. OVERVIEW

RURAL AREA PLAN

2. What is the Rural Area Plan?

Response: It is a "small area plan" that covers approximately 3,800 acres of land in the Town's Extraterritorial Jurisdiction (ETJ), a mainly rural landscape interspersed with discontinuous subdivisions and a sparse transportation network. The ETJ refers to land area that is outside of the Town limits but within Davidson's planning jurisdiction. Its current regulations permit uncoordinated, low-density development that presents serious land, transportation, and environmental concerns in the near future. The plan seeks to address these challenges in a proactive way. The Rural Area Plan was adopted by the Board of Commissioners on September 13, 2016 after a 12-month period of dedicated public outreach and input.

3. What is the Rural Area Plan's vision?

Response: The plan promotes Davidson's interrelated values of open space preservation, connectivity, and walkable neighborhoods. It increases the requirements for open space preservation and street/greenway connectivity as part of individual development projects, actions

that will provide neighborhoods consistent with this Town's high standards. Overall, even in the face of significant development pressure both within and adjacent to the Town, the plan targets 57% of the current rural area to be set aside as publicly-accessible, interconnected open space – a remarkable feat for any community.

4. What's the difference between the 2010 Comprehensive Plan, the 2015 Davidson Planning Ordinance + Rezoning, and the RAP Small Area Plan?

Response: These documents are distinct but work together to achieve our Town goals. The biggest difference is that the Comprehensive Plan and RAP are policies, sets of aspirations and guidelines that assist decision-makers in planning efforts. The DPO is the document that contains the rules and regulations for development; it reflects the vision of the policy documents but it is legally-enforceable (unlike adopted plans). For example, one of the RAP's goals states "Continue to support open space preservation through the development process." The DPO specifically lists the requirement that makes this goal enforceable [Table 2-43]: "...Neighborhood Edge properties, 40% of the land area must be set aside as publicly-accessible open space and protected from development."

Continuing, the Comprehensive Plan was adopted in 2010. This document encompasses the entire Town's land area and governmental scope, is updated roughly every five to ten years, and covers many topics ranging from economic to social, civic, and environmental policies. In 2015, a revised Davidson Planning Ordinance was adopted and, as required by state statute, an updated zoning map was included as part of that document. The 2015 DPO (i.e. current) reflects the Comprehensive Plan's aims and includes updated information based on events occurring since the Comprehensive Plan's 2010 approval. The Rural Area Plan is a small area plan, which refers to a policy document that covers a specific geographic area within the Town's jurisdiction, with recommendations for implementation.

RURAL AREA PLAN - PROCESS

5. What was the process for developing the Rural Area Plan?

Response: In the fall of 2015 the town hosted a four-day "charrette," a design-based, collaborative event that included a public kick-off meeting followed by several days of intensive work. The process produced conceptual plans illustrating potential land use outcomes, with citizens reviewing the plans multiple times at daily review sessions. The final conceptual plans provide the basis for the plan's policy recommendations. Citizens were encouraged to attend the kick-off meeting, review sessions, and stop by the "design studio" at Davidson Town Hall to share their feedback. All meetings were open to the public and a copy of the [Charrette Schedule](#) was posted publicly through various media platforms. The draft recommendations (including proposed rezonings) were presented on December 9, 2015 and discussed at four public meetings between May and September 2016. In that time, too, a multi-week public comment period was held in May/June and the Planning Board offered recommendations to improve the plan (May, August). Additionally, since the Board of Commissioners approved the plan in September 2016 the plan's implementation (i.e. text changes and rezonings) has been discussed at four public meetings in the fall of 2016.

6. How were people notified?

Response: All information related to the plan has been posted on the project's dedicated webpage since the project's inception: www.townofdavidson.org/ruralareaplan.

In October 2015 the Town of Davidson reached out to rural area landowners via postal mail to make them aware of the process so that they could share information at various events. Since then

project updates have been communicated via a variety of channels including social media platforms, Town news emails/listserves, and the Town website – including a dedicated Rural Area Plan webpage. Additionally, the Town Message newsletter featured updates about the plan in each of its quarterly publications (Fall 2015, Winter 2016, Spring 2016, Summer 2016, Fall 2016); this newsletter is mailed to all households in Davidson’s planning jurisdiction, which is approximately 7,800 households. The [Charlotte Observer](#) also ran an article on the plan in early January, 2016.

More recently, in May 2016 all citizens were invited to participate in the Public Comment Period, which was announced via several of the aforementioned channels. This period ran from May-June 2016 and citizens were invited to comment on the draft plan. Throughout and even after the Public Comment Period, staff continued to meet with citizens to answer questions, solicit feedback, and incorporate their ideas into the plan.

In December 2016 the Town of Davidson mailed a public notice to all affected property owners as determined by state statute. The letter directed citizens to a dedicated webpage describing the proposed text changes and rezonings. This was followed by an open house on January 5, 2017 in which citizens were invited to come learn about the plan and its implementation.

7. What are the next steps?

Response: Town staff and elected officials are working to implement the plan adopted in September 2016. This means making written changes to the DPO (“text amendments”), and changing its zoning maps as well (“map amendments”). The Board of Commissioners held a public hearing regarding these changes on January 10, 2017. Staff and elected official heard from a lot of citizens at that meeting. Currently, staff is working to address questions asked by citizens at the January 10th hearing by meeting with citizens individually, producing supplementary information, and participating in/devising additional public meetings for citizens to ask questions.

Other upcoming opportunities to learn about the implementation include: The Davidson Coffee Chat on January 23, 2016; the Board of Commissioners meeting on January 24, 2016; and a Q&A meeting with citizens at Hopewell Baptist Church on Saturday, February 4, 2017 at 9:00 am. Ultimately, the Board of Commissioners will vote on the proposed changes – potentially in March.

III. ZONING

8. How much land is in the study area?

Response: The study area encompassed the current Rural Planning Area, which is about 3,800 acres. For more information see RAP Map 2.3 Rural Planning Area Boundaries & Natural Features.

9. How much land is proposed for rezoning?

Response: The plan’s recommendations propose to re-designate the planning area for 114 of the 507 properties within the study area. In total, this represents 2,048 acres. However, not all that land is developable. In fact, 686 acres are being designated as Rural Reserve. This designation is for parks and conservation areas – areas that won’t be developed for residential or commercial purposes. That leaves about 1,362 acres of land available for development. It’s critical to understand that of that 1,362 acres the vast majority of that land contains open space regulations requiring 40% of a property to be retained as publicly-accessible open space in the event it develops.

Furthermore, there are an additional 1,733 acres of land that will retain the Rural Planning Area (RPA) designation. Compared to the current RPA standards, the recommendations for these parcels

ratchet up the open space requirements and dramatically reduce the land use intensity. The existing standard for properties with access to sewer allows two units per acre and only 40% open space; the RAP permits either one unit per two acres with 40% open space, or one unit per acre with 70% open space.

10. Can you “lock in” the standards of a long-term plan without rezoning?

Response: No. The plan’s recommendations must be implemented through the written changes and map changes to the DPO. Without these actions, the plan remains legally unenforceable.

11. What does “by-right” development mean?

Response: This term refers to development projects that meet and agree to the Town’s established standards for development as outlined in the DPO and are not proposing deviations from those standards. Every property in town has by-right entitlements associated with it based on its designated planning area. This includes all land in the current rural area. The rezoning does not change the by-right classification of land in the study area; it only changes the types of standards that apply to certain properties. The by-right classification ensures that the standards citizens care about – such as mandatory open space, preservation of rural views, greenway construction, etc. – are not subject to negotiation but are required improvements for all development projects. All by-right proposals require additional review and approval by town staff and Mecklenburg County, and in many cases require the Planning Board to accept public comment and review the proposal. The Davidson Board of Commissioners does not vote on these projects.

Projects that do not meet the Town’s established standards for development are referred to as “conditional” developments. These projects request special deviations from the established standards – usually by requesting a relaxation of or relief from the standards. In these scenarios, neighborhood features that are normally considered required improvements – such as sidewalks, street trees, parks, greenways and open space – are subject to negotiation. Ultimately, the Davidson Board of Commissioners votes on these projects.

12. Why not allow everything to be conditional rezoning later rather than rezoning now? What are the risks of not approving the Map Amendments (i.e. rezonings)?

Response: The conditional planning process does not yield predictable, fair results that fully satisfy landowner, citizen, developer, and Town aims. As noted above, conditional developments typically involve a request for relief from the Town’s development standards – criteria that have been publicly-vetted and enforced to achieve our high-quality developments. Without rezoning the properties as called for in the RAP, the Town does not have a legally-enforceable way to require the open space, greenways, parks, and streets that make our neighborhoods unique.

If a landowner/developer comes forward to propose a project and the Town has not rezoned the land as called for in the RAP, the landowner is not able to build a project as recommended by the RAP. This means that the land’s future remains uncertain – it is zoned for one thing but recommended for another. Having an adopted plan but addressing each development conditionally implements the plan inconsistently. In many cases, such scenarios lead landowners/developers to pursue alternative development schemes other than those illustrated in the plan. The risk is that a developer does not agree to the rules established in the plan and, since the DPO has not been updated to reflect the plan recommendations, comes in to negotiate each aspect of their project. Ultimately, this requires elected officials to make a determination about whether to approve the project – an uncertain prospect potentially subject to political whims and not publicly-approved requirements devised through the RAP planning process. By-right development standards lock-in the plan’s recommendations by tying them to specific standards that are non-negotiable.

13. In 2015, how many acres were rezoned to new planning area designations as part of the Davidson Planning Ordinance rewrite?

Response: The 2015 rezoning encompassed about 2,400 acres. Not all of these rezonings entailed a change in the underlying planning area standards. Many were minor tweaks to existing standards or were simply changes in the name of the planning area designation to make the name consistent with an area used elsewhere in our jurisdiction.

IV. PLANNING & DEVELOPMENT

14. What are the benefits of implementing the plan?

Response: The plan allows landowners, the Town, and its citizens to achieve the following:

- *Open Space Preservation:* The plan's hallmark feature is the preservation of roughly 57% of the Town's existing Rural Planning Area as publicly-accessible open space that is protected from development. Without changing the standards, the ambitious open space targets set forth in the plan will not be achieved.
- *Connectivity:* The plan requires development projects to construct necessary street infrastructure that will assist in addressing our increasing traffic burden. The Town does not have the funding to build roads, so it is imperative that development projects construct critical links in our system that will augment the sparse transportation network that currently exists in the rural area. Importantly, by implementing these changes projects must construct the required infrastructure according to Davidson's standards. This means streets that are more than just pavement – they are thoughtfully-designed public spaces that feature sidewalks, street trees, and other amenities such as parks and paths to offer users a variety of transportation means and, correspondingly, add value to their surrounding land uses.
- *Greenways:* Similar to connectivity, the plan identifies new greenway and trail connections throughout the rural area and puts in place mechanisms such as the Scenic Byway Overlay District to ensure their construction as development comes forward.
- *Conservation:* The plan prioritizes contiguous habitat connections both on-site and off-site, and includes provisions that require greater examination of environmental resources at the start of the site-planning process. The standards also include a host of best practices recommended by the NC Wildlife Resources Commission, which participated in the charrette process and after reviewing the draft document commended the plan for its willingness to implement comprehensive conservation measures.
- *Small Town Character:* By laying out the areas intended for growth and those intended for preservation, the plan clearly manages growth and directs it towards areas that make sense – while setting rules and expectations about rural areas and features that should be saved. This proactive step to map out and rezone land in accordance with our planning principles ensures that if development comes forward it must meet our rigorous standards. Contrastingly, not rezoning as the plan recommends leaves the current rural area subject to ad hoc, speculative development via the conditional zoning process, with little guarantee that developers will respect or seek to implement the plan's aims.
- *Predictability:* The plan offers landowners, citizens, and the Town a clear vision of how development and conservation should proceed in the rural area. Implementing the written and zoning changes recommended by the plan codifies this vision and sets clear expectations for all involved, making the development process more predictable. Far from making it easy for developers, it actually locks in the conservation practices, connectivity, and village-based

growth we value and ensures these standards are duly administered – rather than capriciously applied or dismantled through a conditional rezoning process.

15. Will this encourage development?

Response: Development has already come and will continue to come to Davidson; currently, we are experiencing all the costs of development adjacent to and outside of our jurisdiction. Implementing the plan will help us to deal with these costs directly as well as accomplish aims that enhance our quality of life. Specifically, the plan considers how to direct, manage, and accommodate growth over a 30-year timeframe – all while preserving significant amounts of open space and ensuring the necessary street and greenway connections are built as development occurs. By setting forth the expected standards for development and codifying those standards in the DPO, the Town sends a clear message to landowners, developers, and citizens about the standards required to achieve the walkable, cohesive neighborhoods for which Davidson is known.

Implementing the plan establishes these standards so that they are available *if and when* development comes forward. No landowner is required to sell their land as part of the plan’s implementation. Development remains contingent on willing sellers and willing buyers, and there are many long-standing regulations applied to properties as part of adopted plans for which development has yet to come – the Mayes node at the intersection of June Washam Rd. and Davidson-Concord Rd. is an example.

Lastly, by implementing the plan much of the proposed area to be rezoned will then require access to sewer in order to develop. For this to occur, the Town must approve the extension, which can occur in two ways: A. The proposed line is included in Charlotte Water’s five-year Capital Improvements Plan, a process that includes Charlotte Water securing the design and funding for the potential line (construction would occur at a later date); and, B. The line is constructed by a developer and reimbursed by Charlotte Water, who assumes responsibility for the line once complete. In both cases, the line must meet Charlotte Water’s criteria for extension prior to approval (i.e. among other factors, it must serve enough households and be worth their costs to accept maintenance responsibility). For developers constructing these lines, they must have significant financial capital available to secure their cost to construct the line. In other words, even after rezoning there are many additional steps that must follow in order for a development project to occur – steps that likely reduce the immediacy of development occurring.

16. Are there specific development projects ready to come forward?

Response: As noted in the public notice letter mailed to residents, neither the plan nor its implementation were/are undertaken in response to specific landowner or developer requests, or in anticipation of such requests. Rather, this is a proactive step by the Town and its citizens to clearly delineate conservation and development expectations in the rural area. There are a few parcels whose development possibilities have long been discussed; this is normal and a benefit of implementing the plan is that the rigorous standards produced by the plan will now be applied to any potential development projects that come forward. Failing to implement the plan will mean that these standards do not apply.

17. Why not the Narrow Passage model?

Response: There are aspects of the Narrow Passage project that are to be commended, and these practices have been incorporated into the plan’s proposed implementation. Other aspects of the plan and its approval process did not result in desirable outcomes. The positive and negative aspects of this plan can be summarized as:

- *Open Space (Positive)*: The Narrow Passage project aims to provide about 64% open space on-site and must either provide an additional 6% open space on-site or make a payment-in-lieu to hit a 70% target. This practice has been incorporated into the proposed written changes to the DPO and will potentially result in a greater amount of open space being preserved compared to the existing 40% Rural Planning Area standards.
- *Lot Sizes (Positive)*: The project includes a variety of lot sizes. These lot sizes provide a range of housing options for buyers interested in living in the rural area and replicate the variety currently existing in the rural area, including in The Woodlands, River Run, and Park Place. These standards have been incorporated into the proposed Neighborhood Edge Planning Area standards.
- *Connectivity (Negative)*: The Narrow Passage project features only one way in and one way out on Shearer Rd. and does not provide a connection to East Rocky River Rd., which means that all future traffic will be directed towards the Shearer Rd./East Rocky River Rd. intersection. Part of this is due to site topography, but another key factor that contributed to the lack of connectivity is that this development's critical mass does not provide enough financial return to construct a much needed connection to East Rocky River Rd. Because this was a conditional rezoning, the East Rocky River Rd. connection was not mandatory as it would be under the by-right development process. Implementing the plan will ensure that the necessary connections and streets are built via neighborhoods that can support this infrastructure, providing the Town and its citizens with viable transportation alternatives.
- *Greenways (Negative)*: This is a standard requirement of by-right development projects that became subject to negotiation during the conditional rezoning process. Although a greenway will be constructed, key components will not be designed as requested by Mecklenburg County. Because it was approved as part of a conditional rezoning, requiring features such as connector trails and bridges is not legally enforceable without a specific condition addressing these issues. The proposed written changes to the DPO correct the short-comings of these provisions by requiring connecting trails and infrastructure to be included as part of by-right development.
- *Process (Negative)*: This project pursued a conditional rezoning process that resulted in years of uncertainty, rancorous debate, and a plan that didn't fully satisfy all stakeholders. Much of this relates to the fact that there was no clear vision for the rural area, with the result that a consensus plan was difficult to achieve. Now, the RAP clearly sets forth a vision for how conservation and development may proceed throughout the rural area. Implementing the plan integrates the standards necessary to achieve high-quality development into the by-right development process, avoiding unpredictable outcomes inherent in the conditional rezoning process.

Adopting the Rural Area Plan's written and rezoning recommendations proactively ensures the model parts of this project are reflected in by-right development going forward and safeguards against a zero-sum conditional rezoning process that results in unpredictable outcomes associated with ad hoc development.

18. What's the effect of development on roads, schools, and greenways?

Response: Simply relying on the adopted plan will not address the rural area's current and future infrastructure needs. Implementing the plan, however, places binding requirements on any future development that ensures these needs are met. Specifically:

- *Roads*: Due to a variety of constraints, such as funding, the Town does not construct roads. All main roads in the rural area are currently operated and maintained by NCDOT, which prefers

fewer, wider, and higher-speed roads that negatively impact surrounding land uses and inefficiently consolidate traffic on a few roads that inevitably leads to congestion. These roads include Grey Rd., Shearer Rd., East Rocky River Rd., Davidson-Concord Rd., and June Washam Rd.

The town's approach to road-building is different: As development occurs the Town relies on projects to create an interconnected network of streets that serve a variety of purposes and users while adding value to their surrounding context through sidewalks, street trees, and public spaces. Constructing many smaller, lower-speed streets rather concentrating traffic on a few large, high-speed roads moves the same amount of vehicles while ensuring safe options for pedestrians and cyclists. The plan identifies key connections and streets that will be expected in the event a parcel comes forward for development – *if* the written and rezoning changes occur. Without implementation, the plan is just a wish-list of infrastructure needs without a mechanism to require their construction.

- **Schools:** Section 6.12.2 of the DPO currently requires land to be set aside for schools and other public buildings for projects of a certain size (200 ac. or 500 units). This section also outlines the process for reserving school sites in advance of development. These standards will not change. Critically, implementation of the plan will facilitate exploration of potential school sites because the rezoning changes will clearly identify the types of planning areas that can accommodate such uses. This was the case with Davidson East, in which proactive planning led to the reservation of the current school site on the north side of NC 73 across from the Bradford Park baseball fields.
- **Greenways:** The plan identifies new greenway corridors, connector trails, and mechanisms to facilitate construction of these amenities through the development process. In particular, the plan emphasizes the construction of greenways along the south side of Grey Rd., the west side of Shearer Rd., and up the West Branch of the Rocky River – all of which will connect citizens directly to Allison & Fisher Farm Parks. The plan also proposed a revised street section for East Rocky River Rd. that features a multi-use path along the roadway.

The proposed changes require that these features be constructed as part of the by-right development process. This is accomplished by requiring connector trails for properties adjacent to planned greenways, the dedication of easement area as part of the development process, and funding strategies to require development to construct or make a payment-in-lieu that will be used to complete the facilities. By incorporating the plan's recommendations into the DPO as part of the plan implementation, the Town will help to ensure that these facilities are built – otherwise, the Town does not have the funds to design and construct these facilities in a reasonable timeframe.

19. What uses does Neighborhood Services Planning Area encompass? Does it allow gas stations or strip malls?

Response: The Neighborhood Services Planning Area is designed to accommodate a variety of small-scale commercial uses – see the next question for more details. Importantly, it does not allow gas stations as a by-right use; nor does the plan recommend a gas station in either of the designated Neighborhood Services nodes. Such a proposed use would have to proceed through the conditional rezoning process, which is discouraged.

Lastly, the Town of Davidson does not allow strip malls – that is, commercial buildings set back from the street with parking in front (all examples of this in Town are much older developments or historic structures that couldn't be moved, like the Campania Café on South Main Street). The Town only allows street-facing buildings with parking located behind or, in select cases, between

buildings. Any time a commercial building is proposed in Davidson, it must receive approval from the Design Review Board. This citizen-led panel of dedicated architects, engineers, and historic preservation professionals has binding decision-making authority on all commercial building types proposed in Davidson – this is one of the reasons we’re able to achieve such high-quality architecture in our town.

20. What are the key features and uses of the proposed planning areas and overlay districts?

Response: Below is a brief description of the Planning Areas, Overlay Districts, and highlighted features of each:

- *Rural Reserve:* This designation is for parks and conservation areas – in other words, areas that won’t be developed. It comprises about 686 acres of the proposed rezoning and includes Allison & Fisher Farm Parks, the Rocky River Bluff Nature Preserve, and the West Branch Nature Preserve.
- *Rural Planning Area:* The uses for the Rural Planning Area will not change (i.e. single-family detached homes and institutional uses), but the standards for this area are being revised to reduce the overall density of homes permitted and increase the amount of open space required. If development in this planning area comes forward, the following options will be available: A. One unit per two acres with 40% open space (max. 16 units); or, B. or one unit per acre with 70% open space. This compares to the current standard of A. One unit per two acres with 40% open space (max. six units); or, B. for properties with access to sewer, two units per acre with 40% open space. The Rural Area Plan rightly recognized that two units per acre is more consistent with suburban development patterns and recommended a reduction in density to help preserve more open space by driving down the permitted density and ratcheting up the required open space. About half the current Rural Planning Area will remain designated as Rural Planning Area after the rezoning and will feature these new standards, which amounts to about 1,733 acres.
- *Neighborhood Services:* The Neighborhood Services Planning Area represents small commercial nodes within or near residential development, which help to create a sense of place. These areas offer walkable access to goods and services like bakeries, restaurants, dry cleaners, small gift stores, graphic design studios, and real estate offices. Officially, such uses are known as “Commercial Services,” “Professional Services,” and “Retail, Secondary.” The commercial area in and around South Main St./South Main Square (i.e. Campania Café) offers a good example of this planning area. The plan envisions two nodes located at the intersection of East Rocky River Rd./Shearer Rd. and the roundabout at Concord Rd./Davidson-Concord Rd./East Rocky River Rd. In total, this about 28 acres – 22 at the East Rocky River Rd./Shearer Rd. intersection and six at the roundabout.
- *Neighborhood General:* The Neighborhood General Planning Area provides a range housing types that surround the Neighborhood Service areas. These are walkable, cohesive neighborhoods designed around public spaces. This planning area includes a broad range of housing types, from single-family detached to multi-family buildings and townhomes. No more than 70% of the dwelling units may be single-family detached and no more than 50% may be multi-family, townhomes, etc. Neighborhood General also allows civic and institutional uses such as schools, religious institutions, and police/fire stations. The St. Alban’s neighborhood offers an idea of what such neighborhoods may look and feel like. The plan envisions the area immediately north of the roundabout at Concord Rd./Davidson-Concord Rd./East Rocky River Rd. as Neighborhood General, comprising about 253 acres.

- *Neighborhood Edge*: The Neighborhood Edge Planning Area plays an important role in providing a suitable transition to the Town’s rural areas. It is comprised of neighborhoods that predominantly feature single-family detached homes knit together by greenways and open space. It is compatible with much of the existing development in the rural area; therefore, it comprises the largest component of rezoning at 1,080 acres. The standards proposed for the Neighborhood Edge Planning Area will require a mix of housing types – no more than 90% of a development can be single-family detached homes, with the remainder being two-, three-, or four-unit dwellings designed to look and function like single-family detached homes (examples of this include the building at the southwest corner of Davidson Gateway Dr. and Jetton Street). Note: All three- and four-unit dwellings are subject to the Design Review Board architectural review, which provides oversight and confers binding guidance on projects to ensure what’s built is consistent with existing development in terms of quality and appearance.

The proposed standards will also require a mix of lot sizes, with a minimum of 15’ differential in lot sizes. This is consistent with existing neighborhoods in and around our rural area. Examples include parts of River Run (Hagan Knoll Dr.), The Woodlands (Laurel Oak Crescent), Park Place (Boulder Rock Loop), and Narrow Passage. These features help to create a sense of place, with a mix of lot sizes often designed around public spaces. The result is high-quality neighborhoods built around public spaces, rather than the open space being relegated to residual, unusable land underneath utility lines or behind stormwater detention facilities.
- *Scenic By-way Overlay District*: This overlay district extends along Grey Rd. from Wolf St. up to Shearer Rd., and down Shearer Rd. until just north of the proposed Neighborhood Services node at the intersection of East Rocky River Rd./Shearer Rd. The standards included in this overlay will help to preserve and reinforce the existing rural features citizens care about by requiring development to be set back from the road in the style of existing development today. It also requires the construction of split-rail fences, greenways/multi-use paths to connect to Allison & Fisher Farms, and any improvements to the Grey or Shearer Rds. must preserve features such as tree/fences rows that make these stretches of road unique.
- *Neighborhood Services Overlay District*: The Neighborhood Services Overlay District at the intersection of Shearer and East Rocky River Rds. ensures that this natural crossroads, if it ever does develop, features walkable, commercial services at a scale and with an architecture that is in keeping with rural, village features. The height for commercial buildings in this area is reduced to 37’, which is roughly two to three stories and is compatible with the height of nearby homes. Examples of precedent buildings are located on Page 91 of the Rural Area Plan. As noted above in the discussion about Neighborhood Edge, all commercial buildings would be subject to Design Review Board approval.

21. What are the tax implications if rezoning is approved?

Response: Staff met with Mecklenburg County tax assessors on multiple occasions both prior to and after plan approval to understand the potential tax implications for various planning area designations. The officials described the assessment process, noting that assessment decisions are based on lot prices, land sales, and “improved sales” (i.e. when additions or other features are added to a site that enhance its value). They emphasized that none of these facets are contingent on zoning. In fact, they noted that it’s difficult to extract the nuances of an impact that rezoning can have on evaluations. Importantly, they explained that for rezonings that do not involve a change in use (i.e. residential to residential), values are less likely to experience a significant – or any – change. The vast majority of proposed changes represent residential to residential rezonings with comparable land use intensities. Residential to commercial rezonings affect five of the 507

properties in the rural planning area and several of these landowners participated in the planning process.

Furthermore, as explained above, valuations are based on past land activity such as sales and improvements. Actions to subdivide property between assessment cycles may trigger a reconsideration of a land's value, but such steps are not promoted in the plan or required as part of its implementation. In all circumstances landowners are able to appeal an entire property's assessment.

22. Will Transportation Impact Analyses (TIA) be provided?

Response: Section 6.10 of the DPO lists requirements for Transportation Impact Analyses, which are required for any residential development over 100 units, any school, or any commercial building over 75,000 square feet. Our TIA criteria exceed that of other communities and place particular emphasis on pedestrian and bicycle considerations. Currently, Planning Dept. staff is reviewing the development threshold requirements along with the required TIA report components to ensure that future development is required to provide reports tailored to support the Town's emphasis on smaller-scale, walkable development projects.

23. What are the open space requirements? How much open space will be saved in total?

Response: The plan sets a target of preserving 57% of the current rural area as publicly-accessible open space set aside from development. The specific amount of open space that will be saved is difficult to determine since the proposed Rural Planning Area standards allow two different development options resulting in open space set asides ranging from 40%-70%; regardless, 57% is the baseline anticipated. Paired with the lower density now required (as explained in Question 19), this represents a significant increase compared to the current standards.

Furthermore, new standards will require future development to identify and consider contiguous open space connections to other parcels as part of the first concept plans undertaken during a proposed development. Implementing the proposed changes will increase the opportunities for vegetated, cross-parcel connections to the benefit of both humans and wildlife.

24. Why allow development at all?

Response: Given the legal, legislative, and land-use economic contexts, the Town government is not in a position to prohibit development. The plan represents a vision to require open space, connectivity, and walkable neighborhoods through a development-based framework. That is, as development comes forward an implemented plan places expectations and requirements on landowners to help achieve these aims in exchange for contextually-appropriate development opportunities. The plan reflects a consensus vision of interrelated interests including property rights and land preservation, balancing both conservation goals and development realities.

25. Why not use impact fees to slow development?

Response: We're not allowed to charge impact fees because North Carolina is a "Dillon's Rule" state rather than a "Home Rule" state. This means that the state legislature does not allow local governments to do anything that is not expressly listed in state law. Impact fees aren't listed – and, they've been legally challenged in communities attempting to implement them.

26. How much land is actually developable? How do current vs. proposed densities compare?

Response: On Page 24 of the Rural Area Plan, Map 2.9 Land Suitability & Development Opportunities identifies the conceptual constraints and opportunities for development in the study area. In other words, it shows areas that should be saved and/or are not good to develop along with areas that are suitable for development based on land features and other considerations. The

analysis estimates about 1,460 acres are able to accommodate development. Notably, this estimate spans a period of thirty or more years.

This map is then translated into the conceptual framework and plans illustrated in Maps 6.1-6.2 (Pages 72-73). Map 6.2 depicts *conceptual* development layouts that balance both conservation and development while meeting the Town's demanding standards. Significantly, Map 6.2 how illustrates the development footprint is further reduced once the proposed open space requirements, connectivity criteria, and topographical constraints are factored into a site plan.

Regarding current versus future buildout: It's not possible to make a definitive statement about how much the current standards allow compared to the proposed standards. That's because Davidson does not prescribe building densities, instead choosing to focus on building height, public spaces, and open space requirements that indirectly dictate (and limit) density. The result is market flexibility matched by a dedicated focus on key building and site features – such as how buildings relate to one another and the public space around them, how they are experienced from the street, and how they appear architecturally. Building density is actually a poor predictor of the quality of a development. There are beautiful places with moderate densities such as Savannah, GA and Charleston, SC. And, there are beautiful places with lower-densities that include a variety of buildings, lot sizes, and walkable access to amenities (Haile Village, Gainesville, FL; Habersham, Beaufort County, SC; and, l'On, Mt. Pleasant, SC). These places all provide significant amounts of open space while affording residents walkable access to village-scaled amenities. Davidson's by-right development standards require such features of all development.