

GREENWOOD NCD RECOMMENDATIONS

SUMMARY OF INITIATIVE FOR GREENWOOD

The Greenwood Neighborhood Conservation District Initiative was initiated by a petition to the Town Council requesting the development of a neighborhood district that would include several new regulations to address issues such as the subdivision of lots, development of housing that is disproportionate to its lot size, and protection of the natural environment found in the neighborhood. The Greenwood neighborhood engaged in three neighborhood meetings at the Council Chambers at Town Hall as part of the Neighborhood Conservation District Initiative. The three meetings were fairly well attended, with approximately 35-45 participants at each meeting. A neighborhood email listserv has been used to update residents on the status of the initiative. Many residents have provided feedback on the key neighborhood issues, preliminary and final recommendations, and have contacted Clarion frequently to ask questions throughout this process.

SUMMARY OF KEY ISSUES RAISED BY THE NEIGHBORHOOD

Residents provided input on the key issues to be addressed through this initiative at the initial kickoff meeting and through subsequent correspondence. The 1st *Neighborhood News* report provided several lists of information compiled from neighborhood feedback. The list that reported on "Issues to be Addressed" guided the development of the recommendations for the Greenwood Neighborhood Conservation District and is listed below.

- Future development should be compatible with natural surroundings, including protecting natural viewsheds within the neighborhood;
- Ensuring that the size of new residential development is compatible with the neighborhood, including massing, height and setbacks;
- Ensuring large lots and limiting the subdivision of lots into smaller parcels;
- Ensuring tree protection and landscaping of lots, in particular within the street and interior setbacks;
- Encouraging owner-occupancy;
- Fencing in front yards should complement natural surroundings and not serve as a solid barrier;
- Ensuring the right to construct an accessory apartment; and
- Allowing for the heterogeneous and eclectic design of homes within the neighborhood.

RECOMMENDED NEIGHBORHOOD DISTRICT BOUNDARY

Throughout this initiative, there has been an open discussion on the boundary for the neighborhood that would define where new neighborhood conservation district regulations would be applied. In general, the proposed boundary follows the neighborhood boundary as defined by the neighborhood's many restrictive covenants, and has been supported by residents attending the neighborhood meetings and providing comment through other means. There have been significant discussions about the inclusion of the eight state-owned properties located on the southern end of Greenwood Road and the large property located at the northern end of Indian Springs Road.

There has been strong neighborhood support in favor of including the eight undeveloped UNC properties located at the southwestern part of the neighborhood. According to state law, these properties are not subject to overlay district regulations, and thus new district regulations would not apply. However, should the properties be conveyed by the State of North Carolina to another owner, the properties would be required to comply with new regulations. The recommendation is to include the properties within the boundary.

The property owner of the large lot and pond located at the northeast corner of the neighborhood has requested that this property be excluded from the district boundary because the parcel was not originally included within the Greenwood neighborhood covenants and because development on the property is currently limited by the environmentally sensitive nature of the site. At the 2nd and 3rd neighborhood meetings and in subsequent correspondence residents supported including this parcel within the district boundary. The current recommendation remains to include the property within the boundary, because although there are clear environmental constraints to further development activity on this lot, current regulations would allow more intense use of the property. The proposed neighborhood district map is included at the beginning of this section.

SUMMARY TABLE OF RECOMMENDATIONS

Feedback on the recommended regulations presented at the 3rd meeting was used to revise the final recommendations. The revised recommendations are listed here in the following summary table. Following the table are descriptions for each of the recommendations, a responses to the recommendations and any dissenting opinions that apply.

Land Use Regulations	Recommended Standards for Greenwood
Minimum Lot Size	1 acre
Minimum Street Sebacks for Single-Family Dwelling (or Single-Family Dwelling with Accessory Apartment)	50 feet
Minimum Interior Setbacks for Single-Family Dwelling (or Single-Family Dwelling with Accessory Apartment)	20 feet
Maximum Floor Area Ratio for Single-Family Dwelling (or Single-Family with Accessory Apartment)	0.15
Maximum Secondary Building Height	Limit of 2 stories and an unfinished attic, above the level of the street. Maximum secondary building height as currently defined in Land Use Management ordinance to be maintained at 35 feet.
Maximum Percent of Front Yard Utilized for Parking	25%

Land Use Regulations	Recommended Standards for Greenwood
Accessory Apartments	No additional minimum lot size requirement to develop an accessory apartment. An accessory apartment is permitted with every single-family dwelling.
Fencing	Fences in front yards shall be no more than 50 percent opaque, except for houses bordering Christopher Road.
Zoning Compliance Permit Notification	Adjacent property owners must be notified through the Town if an increase in floor area or garages are proposed, with a 10-day waiting period to follow notification.
Tree Protection	Require consultation with Town before clearing deciduous trees measured at 24" DBH (diameter at breast height) or greater, except as part of construction and/or maintenance of permitted improvements, or to remove dead, diseased, or hazardous trees.

ANNOTATED LIST OF FINAL RECOMMENDATIONS, RESPONSES, AND DISSENTING OPINIONS

1. Minimum Lot Size

Recommendation: 1 acre

Discussion of Recommendation: Participants at the 3rd meeting were concerned that existing lots smaller than 1-acre would legally be considered "nonconforming". When assured that this issue could be addressed, participants, in general, were comfortable with the idea of raising the minimum lot size to limit the number of subdivisions that could occur within the neighborhood.

Dissenting Opinions: Some residents have expressed their concern for nonconforming lot sizes and have requested that the minimum lot size be lowered to 0.75.

2. Minimum Street Setback

Recommendation: 50 feet

Discussion of Recommendation: There was much discussion on the topic of setbacks, including questions about where setbacks were measured from and how existing development would be affected if they do not meet the recommended setbacks. It has been explained at each of these meetings that with the appropriate legal language, existing development will maintain the right to expand, maintain and replace built structures without being limited by new dimensional provisions. This recommendation aligns with restrictive covenants found throughout the neighborhood and has been supported by residents attending the neighborhood meetings and providing feedback on the recommendations.

Dissenting Opinions: Some residents had differing opinions on the street setbacks. A few preferred that the current regulations remain at 30 feet, and some felt that the setbacks should be a minimum of 75 feet.

3. Minimum Interior Setback

Recommendation: 20 feet

Discussion of Recommendation: Again, there was much discussion on the topic of setbacks. The recommendation of 20 feet aligns with restrictive covenants and existing development found throughout the neighborhood. Most written comment received supported the recommendation to increase the interior setbacks.

Dissenting Opinions: Some residents would prefer that the current interior setback regulations remain at 16 feet.

4. Maximum Building Height

Recommendation: Limit of 2 stories and an unfinished attic, above the level of the street. Maximum secondary building height as currently defined in Land Use Management ordinance to be maintained at 35 feet.

Discussion of Recommendation: Generally, most that attended the 3rd meeting and provided feedback on the recommendations agreed that limiting the number of stories was in keeping with the character of the neighborhood. The addition of a maximum height measurement of 40 feet was raised at the 3rd meeting and many felt this addition strengthened the maximum building height provision and were generally supportive of this recommendation.

Dissenting Opinions: Some residents support the height restriction being maintained under the former R-1 zoning with a 40 feet maximum height standard and no story limitation.

5. Maximum Floor Area Ratio

Recommendation: 0.15

Discussion of Recommendation: Generally, most that attended the 3rd meeting agreed that this provision is good. Currently, no homes exceed a floor area ratio of 0.15. It was explained at the meeting that floor area ratios include all finished spaces with floors, but not garages. One person was concerned that this allowed for development of a large house on a larger sized lot, but most attendees were comfortable with this recommendation.

Dissenting Opinions: A few residents feel that a 0.15 floor area ratio would allow for development of houses that are too large for the current character of the neighborhood. One person recommended having a floor area ratio of 0.1.

6. Maximum % of Front Yard Used for Parking

Recommendation: 25%

Discussion of Recommendation: Some participants at the 3rd meeting challenged the need for a regulation to limit the amount of parking space in a landowner's front yard. It was discussed that this is one way to ensure that more trees and natural land are conserved in front yards. This regulation could also serve as a deterrent for the parking of multiple vehicles in front yard areas. Some residents expressed support for this provision, stating that it made good sense to protect the neighborhood where it is vulnerable, even if it is currently not a problem in the neighborhood. In general, attendees at the 3rd meeting and respondents to the recommendation are in favor of this regulation.

Dissenting Opinions: A few residents felt that it was unnecessary to regulate front yard parking as it was not currently an issue for the neighborhood. One resident was concerned that 25% would still allow for a significant amount of impervious surface in front yards and requested that the parking area be reduced to 10-15%.

7. Accessory Dwelling Units

Recommendation: No minimum lot size requirement to develop an accessory apartment. An accessory apartment is permitted with every single-family dwelling.

Discussion of Recommendation: Many residents have raised concerns about the ability for current landowners to develop accessory dwelling units in addition to their primary homes. Many residents in the neighborhood are aging and would like to have an accessory unit for in-home care providers. At the 3rd neighborhood meeting, there was little discussion on this topic. However, it was clarified that accessory dwelling units are attached to the primary dwelling unit and that there are stipulations on square footage that limit an accessory dwelling unit to no more than 750 square feet. In general, attendees and/or residents providing feedback on the recommendations are in support of this provision.

Dissenting Opinions: One resident requested that accessory dwelling units should only be allowed on lots that are 1.5 times the minimum lot size.

8. Tree Protection

Recommendation: Requires consultation with Town before clearing deciduous trees measured at 24" DBH (diameter at breast height) or greater, except as part of construction/maintenance of permitted improvements, or to remove dead or diseased trees.

Discussion of Recommendation: Because many residents were opposed to the idea of requiring a tree removal permit and were not concerned about being notified before a neighbor removes trees, a tree protection recommendation was not made at the 3rd meeting. Participants raised this issue and many stated their interest in tree protection measures. It was explained that the tree ordinance does apply when building a new house, and that the real vulnerability to clear-cutting is the clearing of trees on existing developed lots. The idea of protecting large diameter trees was discussed at the meeting.

Dissenting Opinions: Some respondents have requested that this provision be dropped from the list of recommendations as it is unnecessary and doesn't provide enforceable protection.

9. Notification of Zoning Compliance Permit

Recommendation: Adjacent property owners must be notified through the Town if an increase in floor area or garages are proposed, with a 10-day waiting period following notification.

Discussion of Recommendation: Participants at the 3rd meeting were informed that the intent of this notification requirement was to provide an opportunity for neighbors to discuss development plans prior to any permits being issued. In general, the neighborhood is cautious of “good neighbor” provisions, and feels it is a bit heavy-handed. However, many residents that provided comment on the regulations were in favor of this regulation.

Dissenting Opinions: Some respondents have requested that this provision be dropped from the list of recommendations as it is an unnecessary and doesn’t provide enforceable protection.

Fences

Recommendation: Fences in front yards shall be no more than 50% opaque, except for houses bordering Christopher Road.

Discussion of Recommendation: Participants at the 3rd meeting, in general, are in favor of restricting the type of fences that can be constructed on the interior of the neighborhood. Some residents would also like to add a height restriction to the fencing provision. One person recommended limiting fences to no more than 4 feet in the street setback, and 6 feet elsewhere on the property. While there wasn’t general agreement on the actual language to be used, there was general agreement that a fencing provision was needed for the neighborhood.

Dissenting Opinions: Some residents recommended that a height provision be added to the current recommendation.

10. Design Guidelines

Recommendation: General

Discussion of Recommendation: There was much discussion on this topic. Many were concerned that design guidelines would encroach on private property rights. It was explained that the intent was to provide guidance to new landowners that were developing in the neighborhood that may not have information on the historical character of Greenwood. There was mixed opinion regarding this provision.

Dissenting Opinions: Many residents did not support the development of design guidelines.

SUMMARY OF KEY ISSUES TO BE ADDRESSED BY OTHER MEANS

Throughout the neighborhood initiative, residents raised several issues that cannot be directly addressed through the development of zoning regulations as part of a neighborhood conservation district. These issues included:

- Improving the safety of neighborhood roads, especially Greenwood Road, and access to and safety of collector roads, especially Raleigh Road and Fordham Boulevard.

The neighborhood was provided with a preliminary recommendation for addressing this issue through a means other than a zoning regulation. The preliminary recommendation is listed below.

- Invite Engineering Department representative to neighborhood meeting to discuss issue.