

Staff Report. Proposed Text Amendments

At its January 26 meeting, the Planning and Zoning Board recommended unanimously (6-0) to continue the proposed text amendment public hearing to its February 23 meeting, to receive feedback from Town Council and continue discussion on items including delegation of approval authority and cul-de-sac length, among other topics.

Amendments proposed to Chapter 30 and Chapter 35 of the Oak Code of Ordinances to ensure compliance with state statutes, to amend portions of the public street standards in the subdivision ordinance, to amend approval authority for minor subdivisions and site plans, and to update the Town's addressing ordinance. Proposed amendments include but are not exclusive of Article I- In General; Article II- Administration and Enforcement; Article IV- Boards and Commissions; Article VI- Permits and Procedures; Article VII- Zoning; Article VIII- Subdivisions; Article IX- Development Standards; Article X- Environmental Regulations; and Appendices. Full text of the proposed revisions are available at Town Hall.

The staff report is organized in the same manner as the proposed amendment. The text of the proposed amendment is attached to this report, with a corresponding staff comment for each section included below:

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Staff comments:

Section 30-7: Session Law 2015-246 of the North Carolina General Assembly amended G.S. 143-755. The amendment applies to zoning permit applicants that are subject to a rule or ordinance change between the time of submittal of a permit application and permit issuance. The amendment allows the zoning permit applicant the ability to choose to comply with either the old or the new amended rule or ordinance change.

Section 30-9: Updating definitions. Amendments include changing references from the County planning department to the Town planning department; the addition of several adopted zoning districts to the definition of residentially zoned property; a statutory reference change; and a new definition for temporary family health care structures required by Session Law 2014-94 and explained further under changes to Section 30-1088.

Section 30-60: Amendments to zoning enforcement officer approval authority, as proposed in subsequent sections.

Section 30-168: Reflects proposed changes to Planning and Zoning Board authority. The only situation in which the Planning and Zoning Board currently “recommends” approval of a subdivision or site plan to the Town Council is when the Board votes in the majority, but not unanimously, to approve a subdivision or site plan. Proposed amendments in subsequent sections will grant the Board authority to approve or deny subdivisions and site plans with a simple majority vote, thus eliminating the need for a provision to recommend. The Planning and Zoning Board will retain the authority to recommend for rezonings and other public hearing matters.

Section 30-300: See comments in previous sections. Proposed amendments to this section also grant the enforcement officer approval authority over minor additions to existing developments.

Permitted Use Table: Session Law 2014-94 requires that local governments allow temporary family health care structures (defined earlier) as an accessory use in residential zoning districts. Development standards are proposed in a subsequent section.

Section 30-446 and 447: Amendments proposed to be consistent with Section 30-300.

Section 30-504: Special Purpose Lot approval is a technical matter best performed by the Planning and Zoning Board.

Section 30-678: Grants the enforcement officer approval authority for all minor subdivisions of two or fewer lots. Minor subdivisions of three or more lots and major subdivisions continue to require Planning and Zoning Board review, but can be approved with a simple majority vote. The applicant retains rights of appeal up the decision chain, from enforcement officer, to Planning and Zoning Board, to the Town Council.

Section 30-860: Revising cul-de-sac maximum length and clarifying “50-lot rule”.

The revision to Section 30-860 (f) and (g) is in response to a recent interpretation of the “50-lot rule” established by staff and confirmed by Council. The amendment seeks to clarify the point where the 50-lot count begins, by establishing that point as the location where the local street network of a major subdivision (or multiple subdivisions if developed off of the same local subdivision street) intersects the street network outside of the subdivision. This is the most practical way to distinguish between subdivision streets constructed by a developer (almost always local streets) and local or collector streets typically not constructed through private development and not platted as part of a subdivision.

The Town's current 800 foot cul-de-sac maximum length requirement was inherited from the 1992 Greensboro/Guilford County Unified Development Ordinance, which sought to provide consistent development standards Countywide. The City of Greensboro has since modified their standards to provide a range of lengths depending on density- 800 feet for densities of less than 5 units/ acre, and 650 feet for densities over 5 units per acre. Guilford County has retained the 800 foot maximum.

A recent analysis of subdivision street standards by the Capital Area MPO (Triangle area) revealed a wide variety of cul-de-sac length standards in the Triangle region, generally from 400 feet to 1200 feet. Cul-de-sac length appeared to be correlated with density, with suburban communities served by water and sewer (Apex, Cary, Holly Springs) generally requiring shorter cul-de-sacs.

Increasing the Town's cul-de-sac length maximum would be consistent with other low-density residential communities in North Carolina, and would appear to be consistent with the Town's Future Land Use Plan. Objective 5.2 states that Oak Ridge will promote street and neighborhood connectivity, and to that end the Development Ordinance requires conformance with the Collector Street Plan, and requires street stubs when feasible. Cul-de-sacs, however, serve a role when topographic, environmental, or other features prohibit street connections. Goal #4 of the Land Use Plan reflects the value that the Town places on open space and tree preservation, environmental stewardship, and habitat protection. There are times when street connectivity can have negative impacts on these priorities.

The 1200 foot maximum strikes a balance between these objectives, and is consistent with recent waivers granted by the Town (1061 feet for Amethyst Ct, 1040 feet for River Gate Ct.).

Section 30-1088: Development standards proposed for temporary family health care structures to be consistent with the requirements of Session Law 2014-94. Temporary family health care structures are transportable units that are assembled off site and temporarily installed on a lot with a single-family residence, for the purpose of providing living quarters for a mentally or physically impaired family member. Much of the proposed language is taken directly from the session law.

Section 30-1222: Changes to environmental regulations to ensure compliance with numerous session laws enacted over the last two years. The Town's proposed changes have been reviewed and approved by the North Carolina Division of Environmental Quality, as required by law. The major and most relevant change removes Section 30-1258 from the Town's Development Ordinance, which had been adopted by the Town as a text amendment in 2012, in response to the expected implementation of the Jordan Lake New Development Rules (subsequently delayed by the General Assembly). The Town chose to voluntarily adopt these development regulations to ensure that new development installed appropriate stormwater treatment devices at developer expense, as opposed to a future scenario in which the Town would be required to retro-fit existing development sites with stormwater treatment devices at taxpayer expense. Session Law 2-15-246(2) explicitly prohibits cities and counties from requiring compliance with voluntary regulations and rules adopted by state departments or agencies, or with rules in which the implementation date has been delayed by the General Assembly.

Appendix A: This proposed technical re-write of the Town's Addressing Ordinance is identical with the County's recently rewritten Ordinance, and ensures consistency for emergency service providers and others who rely on consistent county-wide addressing.

Appendix D: Related to minor subdivision and site plan approval authority.

Section 35: Changes to nuisance ordinance brings the Town in line with G.S. 160A-200.1