

STAFF REPORT

Planning and Zoning Board, June 20, 2016

Round 34 Land Development Ordinance Amendments (PL16-083a)

Consider proposed amendments to the Land Development Ordinance

From: Jeff Ulma, Planning Director
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Approved by: Mike Bajorek, Interim Town Manager
Approved by: Russ Overton, Assistant Town Manager

Speaker: Mary Beerman

Executive Summary: Staff has compiled a series of amendments to the Land Development Ordinance (LDO) in response to concerns raised by Town Council, citizens and staff. The proposed amendments were presented for public hearing on April 14, 2016 and were discussed by the Planning and Zoning Board on May 9, 2016. Staff recommends that the Planning and Zoning Board forward the proposed Round 34 LDO amendments to Town Council with a recommendation for approval.

Planning and Zoning Board Recommendation: The recommendation will be provided to Town Council following the P&Z Board meeting.

OVERVIEW

TENTATIVE SCHEDULE:

Public Hearing	April 14, 2016
Planning and Zoning Board Work Session	May 9, 2016
Planning and Zoning Board Meeting	June 20, 2016
Final Action by Town Council	<i>July 25, 2016</i>
Effective	<i>July 25, 2016</i>

** Italicized dates are tentative.*

SUMMARY OF PROPOSED AMENDMENTS:

A brief description of each proposed amendment is provided below. More detailed background information is included in Attachment A - "DETAILS REGARDING PROPOSED LDO AMENDMENTS".

- Item A DEVELOPMENT PLAN AND PLAT APPROVAL PROCESS** - The proposed amendment would clarify and simplify the development plan and plat approval process and ensure wording is more consistent throughout the LDO.
- Item B TELECOMMUNICATIONS FACILITIES** - The proposed amendment would clarify and begin to update the Town's ordinances regarding telecommunications facilities.
- Item C CHAMPION TREES** - The proposed amendment would specify that sweet gum trees are not considered champion trees, regardless of size.
- Item D THOROUGHFARE OVERLAY** - The proposed amendment would apply the existing 100-foot thoroughfare corridor buffer width only to fully-controlled-access highways (US-1, I-40, I-440, and NC-540), and apply such standard as a highway corridor buffer instead of a Thoroughfare Overlay District.
- Item E OFFICE RESEARCH AND DEVELOPMENT DISTRICT** - The proposed amendment would

modify uses allowed in the ORD district, clarify the distinction between personal service establishment and commercial outdoor recreation, and clarify various definitions related to indoor and outdoor recreation uses.

Item F TECHNICAL AND MINOR AMENDMENTS - The proposed technical and minor amendments would:

- Allow administrative approval of changes to site plans
- Clarify wording related to building permits required for changes to approved plans; *Section 3.14.5*
- Conform language regarding vested rights to statutory language *Section 3.17.8*
- Allow staff approval of revisions to site plans previously approved by Town Council provided that development intensity is not increased by more than 5%; *Section 3.19.2(B)*
- Remove references to specific species for streetscape plantings required in the Walnut Street Corridor Transition District; *Table 4.2-1*
- Add golf course as a permitted use in the Resource/Recreation (R/R) zoning district; *Table 5.1-1*
- Add a Parks sub-district in the Town Center District; *Table 5.1-2*
- Remove Urban Transition Buffers and stream buffers from the definition of “potential developable area” used to determine the number of base lots allowed when developing a yield plan for conservation or cluster subdivisions; *Sections 4.4.3E and 8.4.5(A)*
- Allow sale of agricultural products grown off-site to occur on developed residential lots that contain at least 3 acres and have at least 250 feet of frontage on a major thoroughfare; *5.4.6(D)*
- Allow with mitigation (per Jordan Lake Buffer Rules), new drainage and roadside ditches and stormwater outfalls that do not provide control for nitrogen; *Table 7.2-6*
- Remove the density standard in residential sub-districts of the Town Center where both a minimum lot size and a maximum density is specified; *Table 6.1-2*
- Specify that shrubs required for landscaping and screening of fences and walls be at least 24 inches in height at the time of installation; *Section 7.7.2(C)*
- Clarify regulations related to parking standards; and *Sections 3.19.1 and 7.8.2(H)*.
- Clarify that watershed protection overlay provisions apply to lots platted prior to June 30, 1993 only when a zoning change has occurred and a new site or subdivision plan is submitted for approval. *4.4.6(B)*

FISCAL IMPACT:

The proposed changes related to Thoroughfare Overlay District and champion trees will generally have a minor positive impact on staff resources, since implementation of those provisions would be greatly simplified or no longer required. Most of the other proposed changes seek to clarify and simplify existing text and are expected to have a neutral or slightly positive fiscal impact.

SUMMARY OF PROCESS AND ACTIONS TO DATE:

Town Council Public Hearing (April 14, 2016)

There were no speakers at the public hearing. There was some discussion by Town Council regarding the removal of the sweet gum tree as a champion tree, and clarification regarding the term “spa” as used in the definition of Personal Service Establishment.

Changes Since the Public Hearing

- Text was added to Item A (Development and Plat Approval Process) to eliminate requirements such as road improvements and/or right-of-way dedication for certain development activities to ensure that the scope of the required improvements is commensurate with the scale and impact of the proposed development activity. Additional revisions in Item A are for clarification only and do not represent a substantive change.

- Text was added to Item F (Technical and Minor Amendments) to eliminate discrepancies and provide clarification regarding the requests for increases or reductions to required parking standards.
- The definition of “Personal Service Establishment” was modified to add tutoring services and one-on-one fitness instruction to the list of examples.

Changes to the proposed text made since the public hearing are shown in double strike-through/underline format.

Planning and Zoning Board Work Session (May 9, 2016)

Board members requested further explanation of several of the proposed amendments, and asked numerous questions for clarification. In particular, they focused on staff acceptance of payments in lieu of improvements and discussed how to determine which projects might have limited impact and not require improvements (Item A). For Item B, they asked about the intent statement and how facilities in the right of way would be handled. Under Item C, a few members questioned whether elimination of one tree species might lead to future requests to relax the champion tree regulations. They requested clarification of the proposed changes to the thoroughfare overlay district (Item D) and talked about the history and need to make the changes proposed for Item E. Staff advised the board members that there may be some additional changes and refinements to the amendments prior to their review at the June 20, 2016 regular meeting.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board refer the proposed Round 34 LDO amendments to Town Council with a recommendation of approval.