

Pender County Planning and Community Development

Planning Division

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: April 5, 2016

RE: Upcoming Zoning Text Amendments

Planning Staff is continuing to work toward finalizing a number of zoning text amendments to the Unified Development Ordinance previously discussed and reviewed with this Board over the last few months. Staff is drafting amendments based on conversation generated by the Planning Board and research of other county and municipal polices. The goal is to have all Ordinance language for review and recommendation at the May 2016 for further discussion and recommendation. These updates are summarized below:

2015 Legislative Updates

Following the 2015 Sessions in the North Carolina General Assembly, there were changes made in regard to planning and development regulation. Staff will comprehensively identify changes in the Ordinance that are necessary due to new legislation. Items for update include;

1. Performance guarantees for subdivision improvements S.L. 2015-187 (H.B. 721)
2. Construction site fence wraps S.L. 2015-246 (H.B. 44)
3. Policy on gravel as a pervious surface S.L. 2015-149 (H.B. 634)

Incorporation of Collector Street Plan Policies

The Pender County Collector Street Plan was adopted by the Board of County Commissioners on March 21, 2016. This plan includes policy recommendations and draft ordinance language in relation to transportation planning. Staff will identify the policy recommendations contained in the 2016 Pender County Collector Street Plan which warrant update to the Unified Development Ordinance.

Incorporation of the Road Naming and Addressing Ordinances

Two Ordinances administered by the Addressing Coordinator in coordination with Emergency Services are; the *Addressing and Display Ordinance* and the *Road Naming Ordinance*. These two independent ordinances will be incorporated into the Unified Development Ordinance; which will improve customer service and more clearly identify steps needed for this aspect of development approval.

As this Section is incorporated there are several updates to the text to be included during this transition;

1. Location which an address is issued based upon,

2. Standards for the major subdivision naming process to eliminate duplicate or similar names,
3. The potential for address assignment to occur at Preliminary Subdivision approval.

Private Street Connections

Staff continues to work toward solution on private street connections when infill development occurs as the Planning Board has discussed this topic previously. As interconnectivity is encouraged there are inherent issues that arise when an infill development is proposed to connect to substandard or private streets.

Staff must devise Ordinance regulation in relation to when an existing substandard or private right of way would require improvement to NCDOT standards for design, to include surfacing and drainage. Many of the existing substandard or private right of ways are not built to NCDOT standards and would require some retrofit or improvement of the existing roadway before the roadway could be certified that it is built to NCDOT standards for private use or for dedication to the state system.

Current language in the Unified Development Ordinance specifies that all private rights of way must be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards as outlined in Section 7.5.3, which is applicable to new development. The issue arises when interconnectivity is required and the connections made are to substandard roadways.

The Ordinance currently does not detail when the roadway is considered part of the subdivision of land or when the property is merely connecting to another parcel. If in essence the private right of ways may be a secondary connection to the subject property (and an existing State maintained right of way exists for users in the property) should the private right of way connection be maintained at the current state, even if the roadway is in disrepair?

Additional users on the roadway may only deteriorate an existing private right of way. However, by not requiring connections between developments, the existing transportation system absorbs the increased demand for adequate transportation routes. This in turn, concentrates motorized traffic on a limited number of large roads, which causes longer, indirect trips and limits opportunities for alternate routes.

When determining adequate access to a subject parcel Section 7.4.1 details; "Required access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use." The intended use is not to deteriorate the existing transportation network, but rather to supplement for emergency management connections and disperse the traffic into the adjoining network. Section 7.5.1.A.6 states; "The layout of the streets as to arrangement, width, grade, character, and location shall conform to...the adjoining street system, as well as existing, planned and proposed streets. Reasonable access will be provided to adjacent property for development."

Interconnected roadways are imperative to the transportation network in Pender County; often the connections proposed are from a new proposed public or private right of way to an existing private right of way. In the infill development, utilizing a private right of way may be needed for adequate connectivity and conformance to the adjoining street system.

Revision of Cul-de-Sac Radius Requirements

Currently, as written, the Pender County Unified Development Ordinance Section 7.5.1 F specifies:

Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided. Temporary dead end or stub streets shall provide turn around capabilities to meet NCDOT requirements. The Cul-de-sac end shall be a bulb type with minimum radii as follows: Curb & Gutter Section: RW = 45', Pavement = 37' to gutter edge, Shoulder Section: RW =50', Pavement = 35'.

Staff has researched other jurisdiction for cul de sac radius requirements in both; Subdivision Ordinances and Fire Code or NCDOT requirements where necessary. All jurisdictions included are within Division 3 of NCDOT.

Other Jurisdiction Requirements			
Location	Required Widths	Reference	Notes
Pender County	35' Radius	UDO	
New Hanover County	48' Radius	UDO/Fire Code	120' Hammer Heads 60' Y Design Allowed
Brunswick County	35' Radius	UDO Section 6-35	120' Hammer Heads 50' Y Design Allowed
Onslow County	40' Radius	Subdivision Ord. Section 606.9 A & B	
Sampson County		NCDOT	Fire Dept. may request increase per Subdivision Ordinance
Leland		NCDOT Specs (35') Refer to Fire Code (48')	Fire Dept. may request increase per Subdivision Ordinance
Wilmington	48' Radius		
Burgaw		Fire Code	
Jacksonville		Fire Code	

Dead End Road Requirements of Appendix D (Fire Code)		
Length	Width	Turnarounds Required
0-150 feet	20 feet	None required
151-500 feet	20 feet	120 foot Hammerhead 60-foot Y 96-foot diameter cul-de-sac
501-750 feet	26 feet	120-foot hammerhead 60-foot Y 96-foot cul-de-sac
Over 750 feet	Special Approval Required	

It is Staff's recommendation that the Pender County Unified Development Ordinance text be modified to allow for specific evaluation of each cul-de-sac and greater clarity for the applicant while meeting the needs of Pender County Schools and Emergency Management. This language must be identified in the

Unified Development Ordinance to ensure that a developer is aware of the specific regulation prior to a Technical Review Committee meeting.

Distinguishing between specific lengths could help clarify the regulations. Suggested amendments for the Pender County Unified Development Ordinance Section 7.5.1.F. includes distinguishing varying lengths of a permanent dead end street to then require a larger bulb for Emergency Management and school bus turn around. The length of a cul-de-sac will be measured from the last point of alternative connected access. A draft of the intent for cul-de-sac radius requirements can be seen in Table 1.

Table 1

	Total Length	Edge of Pavement Radius	Right of Way Radius with curb and gutter	Right of Way Radius without curb and gutter
Short Cul-de-sac	500 ft. or less	35 ft.	45 ft.	50 ft.
Long Cul-de-sac	501 ft. to 1,000 ft.	40 ft.	50 ft.	55 ft.

It was deemed necessary at previous Planning Board discussions to also include other alternative designs (hammerhead, y turn around, t intersection, etc.) as an approved turn around to allow applicants an option to deviate from a traditional bulb design. Criteria for this alternative design shall include; topographical constraints, existing structures, insufficient right of way, feasible no connections to adjacent right of way or properties or any other alternative design criteria as approved by the Technical Review Committee or Planning Board as applicable. All recommended text changes can be seen in Attachment 1.