

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
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AGENDA

**Pender County Planning Board
Work Session
Tuesday, March 1, 2016 6:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina**

Call to Order: Chairman Williams

Roll Call: Chairman Williams

Pender County Planning Board Members:

Williams: __ Fullerton: __ Baker: __ Edens: __ Nalee: __ McClammy: __

1. Adoption of the Agenda:

2. Plan Update:

- i. Collector Street Plan Review:
- ii. Comprehensive Land Use Plan Update:

3. Ordinance Update:

- i. Zoning Text Amendment Update:

4. Adjournment:

**Items not covered during Work Session may be heard under "Discussion Items" during the regular Board meeting.*

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: March 1, 2016

RE: Comprehensive Plan Update

Planning Staff continues to work on preliminary planning and information inventory in preparation for a consultant beginning work on the Comprehensive Land Use Plan. This information includes:

- Definition of small area plan boundaries
- Existing plan inventory
- Goals and policies matrix
- Existing land use survey

At this time, Pender County is working on a contract and scope of agreed upon work with Stantec, who is anticipated to begin work once these documents can be finalized and the Board of Commissioners approves the contract. It is anticipated that this will be up for approval on the Board's meeting agenda for **March 21, 2016**.

On August 17, 2015 Planning Staff learned that Pender County has been selected to receive \$10,000 in Partners for Green Growth funding from NC Wildlife Resources Commission (NCWRC) to use towards incorporation of conservation methods into the update of the Comprehensive Land Use Plan. A finalized contract for funding agreement with NCWRC has been executed.

A brief summary of the Partners for Green Growth funding is as follows:

- The purpose is to fund land use planning projects that address conservation of priority wildlife habitats. Our proposal is to use funding to develop and incorporate a conservation component into the Comprehensive Land Use Plan (in conjunction with the Plan update).
- The funding amount is \$10,000.
- Invited full applications are due September 10 (non-competitive).
- 50% non-federal in-kind match is required. Our proposal is to calculate match using:
 - Staff time calculated at approximately \$20.00 per hour: \$2,500 (125 hours) for existing conditions inventory, site visits, conservation data analysis, coordination with consultant

and NC Wildlife Resources Commission for integration of final conservation product within Comp Plan

- 7.5 percent of County payment to consultant (total contract will be \$100,000): \$7,500 for conservation data analysis and conservation policy recommendation for inclusion into Comprehensive Land Use Plan
- Work must be completed within a year.
- Funds will be distributed as reimbursement (by September 16, 2016).
- Pender County is eligible for 40 hours of technical assistance from NC Wildlife Resources Commission as part of the funding.

Planning Staff appreciates your input throughout the process for the Comprehensive Plan update.

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MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: March 1, 2016

RE: Zoning Text Amendments

Staff continues to work on several items as an update to the Pender County Unified Development Ordinance. These items will be presented over a series of Planning Board discussion items with the intent to incorporate into a single zoning text amendment in the month of April or May. Included in this zoning text amendment are;

1. Legislative updates,
2. Collector Street Plan Recommendations,
3. Addressing Ordinance,
4. Private right connection standards, and
5. Cul-de-sac radius requirements.

At this time Staff is still researching and determining best practices for the private right of way connection standards and cul de sac radius requirements. All other topics are moving toward completion as detailed at the last meeting and below.

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. At this time, it is anticipated that items such as performance guarantees for subdivision improvements, sign regulations, and other environmental updates may be included. Please review the UNC School of Government Planning and Zoning Law Bulletin providing a background on these items (Attachment 1).

S.L. 2015-187 (H.B. 721) clarifies the restrictions on performance guarantee requirements from a local government authority. Performance guarantees are only to be used for completing the improvements and not the repair or maintenance after completion. This eliminates the ongoing maintenance guarantee. Additionally, the menu of acceptable financial instruments for a developer to choose can no longer be set by the local government; the financial instruments are set by the legislation. Included on the menu are: surety bond issued by any company authorized to do business in the state, letter of credit

issued by any financial institution licensed to do business in the state, and another form of guarantee that provides equivalent security to a surety bond or letter of credit.

S.L. 2015-246 (H.B. 44) exempts construction site fence wrap signs from the zoning sign regulations. This would only be exempt until a Certificate of Occupancy or twenty-four months passes, whichever is less time according to new legislation. This is advertisement "sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required." Language located in Section 9.4.1 of the Unified Development Ordinance may necessitate an update reflecting this change.

Environmental changes from the 2015 session include an update to riparian buffer regulations (Section 13 of S.L. 2015-246 (H.B. 44) to prohibit cities and counties from enacting or enforcing a riparian setback that exceeds any state or federal setback. If the local jurisdiction had an ordinance prior to August 1, 1997 for the purpose of protection of water quality and prevention of excess nutrient runoff then this would be not be applicable.

A second environmental change is an update to the stormwater regulations S.L. 2015-149 (H.B. 634) to amend the previous G.S. 143-214.7(b2) detailing gravel and trails are no longer considered built upon area if they meet the specific standards set forth. As outlined in the bill; *For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck or; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour)."*

Section 4.19 of S.L. 2015-286 focuses the Department of Environmental Quality to evaluate the water quality in the coastal regions and the impact of stormwater in these sensitive watersheds. Specifically for research includes if the low density stormwater permit built upon area can be increased without negatively impacting water quality. This is scheduled to be completed in April 2016.

Of note, the S.L. 2015-217 (H.B. 581) assigns NCDOT to study the subdivision acceptance of new roadways when dedicated to NCDOT for public maintenance. This would determine if the process currently is timely and efficient and whether the minimum right of way established and construction standards are acceptable, finally there is an aspect to the study which identifies the financial impact if these roadways are not accepted to the State system and what the impacts would be on property owners.

Staff will assess current language in the Unified Development Ordinance for compliance with new legislation.

Collector Street Plan Recommendations

It is anticipated that the Pender County Collector Street Plan will be up for consideration to adopt by the Board of County Commissioners on March 7, 2016. This plan includes policy recommendations and draft ordinance language in relation to transportation planning. Staff will identify key areas of the 2016 Pender Collector Street Plan which warrant update to the Unified Development Ordinance.

Addressing Ordinance

The Geographic Information System (GIS) Division is a new division within the Planning and Community Development Department in 2015. Within the GIS Division addressing services are provided. 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.

Private Street Connections

By encouraging interconnectivity of the transportation network there are inherent issues that arise when an infill development is proposed to connect to private right of way. Staff is seeking guidance on when an existing private right of way would require improvement to NCDOT standards for design, to include surfacing and drainage. Many of the existing 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.

Cul-De-Sac Radius

Planning Board previously has discussed potential cul-de-sac radius amendments. 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'.

There are however, inherent conditions that are specific to each development which may necessitate a larger cul-de-sac than NCDOT requirements and Pender County Unified Development Ordinance minimum requirements. Conditions that may require a larger cul-de-sac could be school bus accessibility and fire apparatus accessibility. According to Pender County Schools, buses are required to stop per quarter mile and may not need to utilize each cul-de-sac in a development; some cul-de-sacs may need to be larger to accommodate the school buses. Additionally, Pender County Emergency Management staff indicated that fire trucks and emergency vehicles may require additional area to turn around above and beyond the NCDOT minimum requirements.

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 with curb and gutter	Right of Way 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 not deemed palatable at the December 1, 2015 meeting to also include a NCDOT hammerhead design or other alternative designs as an approved turn around to allow applicants an option to deviate from a traditional bulb design.