

LDO TEXT AMENDMENT to Sections 5.1.2.B.5.b. & 9.2.1.A.1.
regarding Townhome Lot Frontage
TA-23-05

(this is submitted by the Applicant for the Hills at Harris Creek subdivision, aka REZ-23-03)

1st Submittal Review

The following is a review of the proposed Land Development Ordinance text amendment - Application #TA-23-05 was submitted by Jason Pfister on behalf of Ellis Developments NC, LLC for changes to permit the *Single-family, Attached* dwelling zoning use (aka “townhome”) to attain lot frontage, at the time of subdivision, on a private access easement, rather than (a minimum width of 20’) on a public right-of-way as required by LDO Section 9.2.1.A.1. The Application seeks to amend Sections 9.2.1.A.1. and 5.1.2.B.5.b.

Overview:

Townhomes are permitted by-right in the following zoning districts:

RH - Residential High Density	AC - Mixed-Use Activity Center
TC - Town Center	NC - Mixed-Use Neighborhood Center

Additionally, there is a level of aesthetics and functionality that may be applied voluntarily to *Single-family, Attached* uses as per LDO Section 6.8.5.

The Town Boards and Staff shall evaluate the intent of how the change in the proposed lot frontage affects the development of Townhomes throughout Rolesville now and in the future. Townhomes approved via a Rezoning that have not yet gone to construction following their Preliminary Subdivision Plat (PSP) and Construction Infrastructure Drawing (CID) approvals could utilize this change either administratively or through a Legislative revision process.

Evaluation of Proposed Text Changes:

The following are the proposed changes submitted by the Applicant to permit Townhomes to front on Private Access Easements. **The proposed wording for each is shown in red.**

#1. Add the following section to Section 5.1.2.B.5:

5.1.2.B.5. Use Standards.

- a. Townhouses/Attached Dwellings. Townhouses are limited to eight (8) units per structure.
- b. Townhouses/ Attached Dwellings. Townhomes are permitted but not required to provide lot frontage of at least twenty (20) feet on a private access easement.**

COMMENTS:

- A. The proposed ordinance amendments only address the creation and frontage of a private access easement but do not address frontage on a private street. The difference is minimal, but the distinction is important. For the proposed development, the townhomes are essentially fronting parking areas (private access easement), not private streets. Private

streets are the physical improvement a private access easement is the legal instrument. It is recommended that the wording include, “**a private street or private access easement.**”

- B. Be consistent and use the same terminology “TOWNHOUSE” vs “TOWNHOME” . The wording, as presented, may also be interpreted to read that townhouse lots are not required to provide 20 feet of lot frontage. To reduce ambiguity, it is suggested that this be revised to read, “**Townhouses/ Attached Dwellings. Townhouses are required to provide twenty feet of lot frontage on either a public or private street or a private access easement.**”

#2. Replace LDO Section 9.2.1.A.1 in its entirety.

ORIGINAL | 9.2.1.A. Streets and Sidewalks

- 1. All subdivision lots shall abut at least twenty (20) feet on a public street.

PROPOSED | 9.2.1.A. Streets and Sidewalks

- 1. **Subject to the provisions of Section 5.1.2.B.5.b of this ordinance, all subdivisions lots shall abut at least twenty (20) feet on a public street.**

Comments:

- A. As Ordinances are consistently updated, the cross-reference to the specific LDO Section 5.1.2.B.5.b, is burdensome and unnecessary. Further, as mentioned above, providing clarity to indicate frontage is always required. As such, we would suggest language that reads as follows:

All subdivisions lots shall abut at least twenty (20) feet on a public street. Single-family, attached uses may provide the required twenty (20) feet of frontage on a private street or a private access easement as permitted within the *Use Standards* noted in Section 5.1.2 of this Ordinance.

Additional Considerations

As this proposed change creates an alternative to the otherwise compulsory PUBLIC street frontage, there are several instances throughout the Ordinance where an alternative needs to be noted. This can be as simple as “public and private street...” or it may require greater consideration and collaboration between the Applicant and Town staff to determine what is acceptable. Those instances within the Ordinance are noted below.

#3. LDO Section 6.4.3.K.5

Text: *The APP minimizes the visual and aesthetic impact **along the public street** by placing parking areas to the rear or along the side of buildings, to the maximum extent feasible;*

Recommendation: Revise to state “a public or private street”.

The APP minimizes the visual and aesthetic impact along a public or private street by placing parking areas to the rear or along the side of buildings, to the maximum extent feasible;

#4. LDO Section 6.4.4.A.9

*Text: Access and Maneuvering. Parking areas shall be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas shall be arranged so that no vehicle shall be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on **any public street**, sidewalk, or alley.*

To Be Considered: Section 6.4.4.A.1 exempts single-family residential uses from submitting a parking plan. However, this does not exempt parking from meeting the design requirements of this section. The intent here is that cars are not maneuvering in the street in order to park a car. Recommend revising to include private streets, although this may not be necessary.

#5. LDO Section 7.1.6.E.4.c

Text: Standards. All support structure shall comply with the following standards:
*c. Fifty (50) feet from **any public street**.*

Recommendation: Add “or private” to ensure that WCFs are located more than 50 feet from private streets as well.

Standards. All support structure shall comply with the following standards:
c. Fifty (50) feet from any public or private street.

#6. LDO Section 7.1.6.E.5.

Text: Standards. All support structure shall comply with the following standards:
*5. The base of the tower and each guy anchor are surrounded by a fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight (8) feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than one-third of the surface of the fence or wall is visible within three years after erection of the structure from **a public street** or from any adjoining lot which contains a dwelling, or from any adjoining lot zoned a residential district. Any fence or wall constructed shall conform to the standards of Section 6.5: Fences, Walls and Berms*

Recommendation: Add “or private street” as telecommunication facilities are permitted (with a special use permit) in the same districts as townhomes.

Standards. All support structure shall comply with the following standards:
5. The base of the tower and each guy anchor are surrounded by a fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight (8) feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than one-third of the surface of the fence or wall is visible within three years after erection of the structure from a

public or private street or from any adjoining lot which contains a dwelling, or from any adjoining lot zoned a residential district. Any fence or wall constructed shall conform to the standards of Section 6.5: Fences, Walls and Berms

#7. Traffic Impact Analysis. We would ask the applicant, Town staff, and Engineering reviewers to collaboratively review Section 8 in its entirety but specifically related to those subsections below. How would the use of private streets be handled in TIA reports? Under this rule, could a development have 100% private streets? Is there a maximum percentage of streets within a site that are permitted to be private to maintain a balance? If not, what would a TIA report look like with only private internal streets to be considered?

#8. LDO Section 8.B.4.

Text: *A TIA should include the following:*

*4. Evaluate site-generated traffic impacts on traffic flow on **public streets** within the designated impact area;*

#9. LDO Section 8.E.5.

Text: *On-site Internal circulation shall not interfere with the flow of traffic **on any public street.***

#10. Street Design Standards. Similar to the TIA section, LDO Section 9.2.1 notes the street design standards required. Many of these standards use required right-of-way (ROW) as a way to determine street width. The street type is also used to determine the street width.

Consideration: Should the tables noted in LDO Section 9.2.1 be updated to include private street design standards to ensure a standard is applied that allows for public access and utility easements as well as the required width for the street itself? We would suggest the applicant and Town staff collaborate with the Engineering staff to determine if there is an industry standard OR if there are graphics to be used that can be added to this text change. A similar situation was noted during the PJD review of how wide these streets should be to ensure appropriate utility easement widths can be met in addition to access.

#11. LDO Section 9.2.1.B.1 Street type classifications (Table). Where do private streets fall here?

#12. LDO Section 9.2.1.B.2 Required Right of Way Widths (Table). What is an industry accepted width for a private street? Is this represented here?

#13. LDO Section 9.2.1.B.5 Intersection Design.

Text: *Where two public streets cross or where **a private street** meets a public roadway and signalization is not warranted, a stop bar and stop sign shall be used on the minor street approaches.*

Recommendation: Change to state “where two streets cross or intersect”.

Where two streets cross or intersect and signalization is not warranted, a stop bar and stop sign shall be used on the minor street approaches.

#14. LDO Section 9.2.3.D Access.

Text: *Every lot shall provide access to and abut a **public street** or right-of-way. Easements that cross more than one (1) lot of record are not permitted.*

Recommendation. Add “public street, private street, private access easement, or right-of-way”

Consideration: The second sentence of this section is problematic. If using private access easements and private streets, these frequently cross more than one lot, thus the need for the easement in the first place. Recommend removing this requirement.

Every lot shall provide access to and abut a public street, private street, private access easement, or right-of-way.

#15. LDO Section 9.2.3.E.4 Flag Lots.

Text: *Use of a single driveway easement, to serve adjoining flag lots is permitted and encouraged to reduce access points on **public streets**.*

Consideration: By definition and design, flag lots have a reduced lot frontage for the “flag pole” portion of the lot. It is recommended that a definition or explanation of how to measure the lot width on a flag lot should be included; a diagram of such would be suggested.

Recommendation: The use of flag lots is infrequent and discouraged. It is more likely to have a flag lot adjoining a regular lot than two adjoining flag lots. Therefore, we recommend the language be changed slightly to encourage shared driveways on any lot adjacent to a flag lot.

Recommendation: Add “public or private street.”

Use of a single driveway easement, to serve adjoining lots or flag lots is permitted and encouraged to reduce access points on public or private streets.

#16. LDO Section 9.2.4. Easements

Consideration: Currently the list of easements includes Utility, Drainage, and Drainage Buffer Easements. There is no parameters provided for access easements. Is this necessitated by the addition of these private easements for providing lot access?

#17. LDO Section 11. Definitions.

Text: *Private Street. An undedicated, **private right-of-way** which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.*

Consideration: This definition reads as if private streets are only for affording access to an abutting property. Does this need to be updated to clearly state they are only permitted to provide access to **single-family, attached** homes?