

LAND MANAGEMENT ORDINANCE

Advisory Committee Meeting January 11, 2023

FORWARD

ELON



CHAPTER REVIEW

CHAPTER 9 – INFRASTRUCTURE STANDARDS

Summary of key provisions and outcomes

Chapter 9 includes the Town's standards for streets, sidewalks, bike paths, and greenways and makes reference to other infrastructure standards such as water, sewer, and stormwater.

The chapter concludes by specifying how public infrastructure constructed by others (e.g., developers) is accepted by the Town for ownership and maintenance.

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Street Standards

- Street design standards call for a street network that is interconnected with neighborhood development, and use of cul-de-sacs is limited to instances where there are no practical alternatives due to topography or other property constraints. Where cul-de-sacs are allowed, the length may not exceed 250 feet.

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Street Standards

- Where development with new streets is located adjacent to undeveloped property, stub streets are required in order to enable future street connections. Where the potential area for the stub street abuts a stream, the TRC can exempt the development for this requirement, and for cases where it is required, a performance guarantee will be required for half of the cost of the stream crossing.

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Street Standards

- Streets within a development shall be designed with connectivity in mind. A “connectivity ratio” of : is required, calculated by dividing the number of street links by the number of nodes or end links.
- A link is any portion of a street defined by a node at either end. A street stub is considered a link.
- A node is the terminus of a street or the intersection of two or more streets. The bulb end of a cul-de-sac is considered a node.

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Street Standards

- Streets are to be designed to be pedestrian-friendly and only wide enough as to provide adequate access and traffic flow. Wide streets with lengths of straight sections tend to encourage higher speeds.
- Street construction should be designed to make use of existing land contours and minimize the removal of significant trees, or stands of trees, to the greatest reasonable degree.

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Street Standards

- Street design and construction must follow the Town or State standards referenced in the LMO and be dedicated to the Town or State upon construction.
- There is an ongoing discussion regarding whether the Town should allow new private streets (in the margin comments on page 3 of the Chapter 9 draft). At the very least, if new private streets are allowed, a public access easement will be required.
- Gated or guarded public streets are not allowed.

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Street Standards

- Once a petition for public acceptance of a constructed street is submitted, the acceptance is at the discretion of the Town Council (for town streets) or NCDOT (for state streets).
- All on-street parking must be parallel unless otherwise allowed by the TRC.
- Traffic-calming measures in the design of streets are encouraged. Examples include raised intersections, lateral shifts, traffic circles, curb bulb-outs, and textured pavement.

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Street Standards

- Street rights-of-way must be at least 50' in width. Alleys may be 25'. **Lanes may be 40'.**
- Street blocks in general should be rectangular in shape and between 150 and 600 feet in length between cross streets. The TRC may grant a deviation from this standard if justified.
- There should be two tiers of lots in a block, so that no lot has a street both on its front and rear boundaries.

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Street Standards

- The chapter includes requirements for intersection design that includes limitations on street trees, vegetation, structures, and on-street parking near intersections to allow for safe sight distances.
- Curb and gutter are required except for streets in the RUR district.
- Landscaping is required along street rights-of-way, with specific standards to be included in Chapter 7 (Development Standards).

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Street Standards

- Street lighting is required at an average separation of 200’.
- Underground Town utilities must be installed below the street surface where possible. Alternatively, they may be located in a 10’ utility easement behind the ROW line. Where that easement exists, non-town utilities shall be also located there.

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Street Standards

- Street types are defined and will reference cross-sections and more detailed design standards that may be included in an LMO appendix.

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Sidewalk Standards

- Sidewalks must be constructed on both sides of all new streets, with exceptions allowed by the permit-issuing authority with a recommendation by the TRC.
- Sidewalks must also be constructed along existing streets when infill development occurs, when sidewalks exist elsewhere on the street or where a sidewalk is recommended by the Bicycle, Pedestrian, and Lighting Plan.

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Sidewalk Standards

- Sidewalks serving residential development must be a minimum of 5' wide and 8' wide for mixed use and commercial development.
- Crosswalks may be required to provide safe access to parks, greenways, or schools.
- The team would like additional input from the committee on the requirement of sidewalks on lots where a change of use to a more intensive use is being made.

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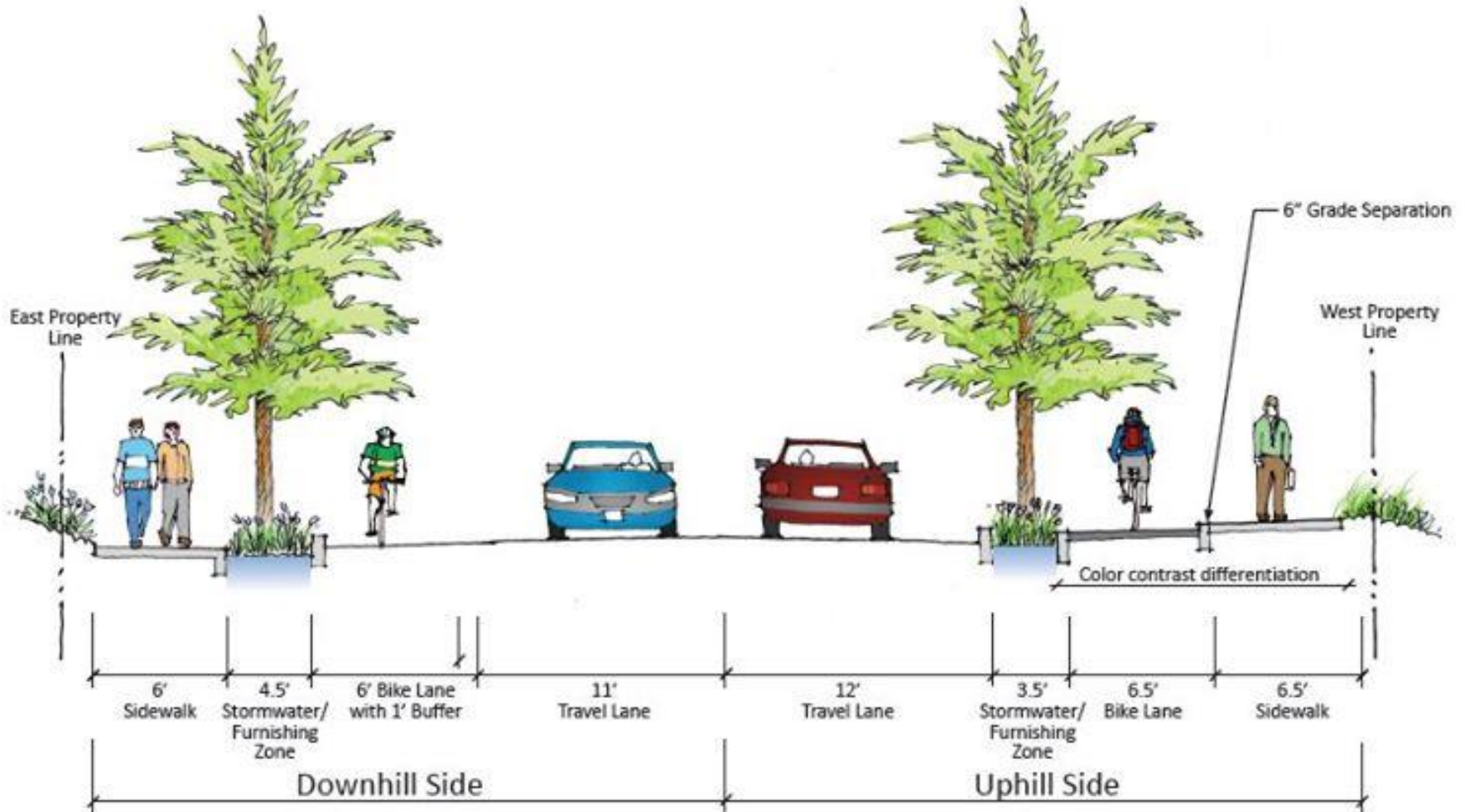
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Bike Path Standards

- The team is also working through standards for when bike lanes are required. The draft as it stands now requires them for non-residential streets and thoroughfares. Other options, such as “sharrows”, which require less right-of-way, are available for residential streets.

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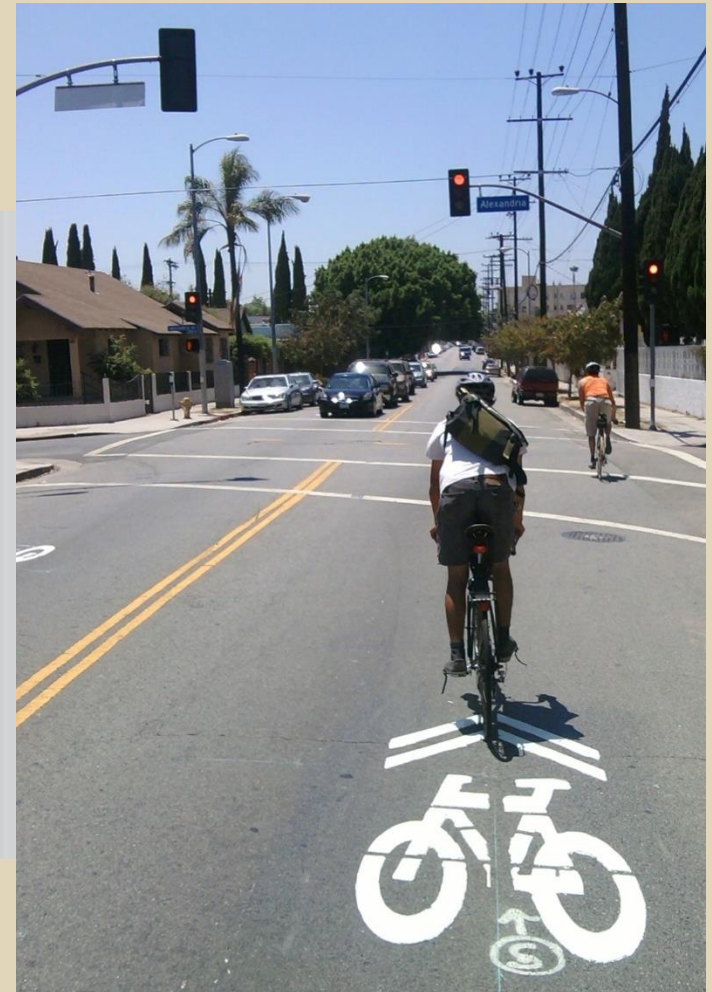
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Ride along the middle of the sharrow chevron marking to stay out of the door zone



Sharrows signify that cyclists are likely to be present and have a right to share the road with vehicles



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Bike Path Standards

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- Design for bike facilities must follow the published NCDOT bike facilities standards.

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Greenway Standards

- Greenways are linear corridors along streams, rivers, abandoned railroads, and utility easements.
- The current draft requires a dedicated public greenway easement at least 20' wide as part of the development approval process for any development where the property is identified as having a greenway segment on the Bicycle, Pedestrian, and Lighting Plan. However, we could require that the developer not only set aside the easement, but construct the greenway. Your thoughts?

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Greenway Standards

- Greenways shall connect to new development wherever possible, and stubs shall be provided within developments when the development is adjacent to land identified for a greenway in the Bicycle, Pedestrian, and Lighting Plan.
- Greenway design standards also defer to the NCDOT standards.

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Infrastructure Acceptance by the Town

- Development must be substantially completed (certificates of occupancy have been issued for 51% of the units in the development) before the Town will consider a petition for acceptance.
- The petition is provided to the Public Works Director, who shall call for an inspection of the infrastructure. If the inspection reveals that the standards have been met, a one-year waiting period begins, when a second inspection is made. Deficiencies shall be repaired by the developer.

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Infrastructure Acceptance by the Town

- Upon a determination that the infrastructure meets Town standards, the Town takes action to accept the infrastructure. The Town Council shall make the final decision, upon a recommendation by the Public Works Director or his or her designee.

DISCUSSION ITEM FOLLOW UP

■ Entertainment uses in downtown

- Night clubs are allowed by right in the downtown area? Same goes with other use type not listed, pool hall and indoor sports facility. Those uses are permitted in quite a few districts. Also, event venues. Should these uses perhaps require a SUP? That would be a question for you and Pam. Personally, I wouldn't advocate for requiring an SUP for those uses, but I am not familiar with the local politics regarding those uses. This was a decision made by Chad that we did not revisit.

This was vetted through the committee, and they leaned on allowing more entertainment-type uses in downtown. We can put it back in front of them for another bite at the apple, and am making a short list of similar items.

DISCUSSION ITEM FOLLOW UP

■ Drive-through pharmacies in downtown

- What about drive-throughs for pharmacy uses? Is that an understood accessory use or would someone have to refer to the accessory use table? We discussed with the committee what drive-thru uses should be encouraged/discouraged in what areas. We do not have it as a separate use, but are discouraging drive-thru restaurants in certain districts (downtown in particular), which is why drive thru *restaurants* are a separate use. We also included financial institutions with drive-thrus as a separate use, to disallow banks with drive-thrus in downtown. There was a good bit of discussion about this, including traffic impacts and the downtown having such a small footprint that uses should be tailored towards a more vibrant and walkable environment. That being said, we do have pharmacies as a use by right in downtown, and a drive-thru, because it is not listed separately, would be considered accessory. We can put this one back in front of the committee and make sure we have what they intended.

DISCUSSION ITEM FOLLOW UP

■ Cell Tower setbacks (4.3.92.G.2.)

what about allowing a reduced setback as long as they submit a certified fall zone letter from an engineer? This has been in all of the ordinances that I have worked in over the past 15+ years since a telecommunications tower is now designed/engineered to basically collapse within itself. I think most jurisdictions allow for a reduction up to half the tower height. [In Winston-Salem, we actually require setbacks greater than tower height, regardless of the actual fall zone of the tower. This is ultimately a political decision, and I'm not sure how the Town feels about cell towers. I'll defer to whatever you and Pam want to do with this section - please advise.](#)

Hmmm. I think Lori's point is a good one but not sure it fits with the vision for Elon. Let's get some input from the committee. Everyone wants good cell service, but they don't necessarily want to see the tower that provides it, especially in a small town. Yes, I would definitely like for this to be revisited. I feel that the proposed language is somewhat antiquated. My interaction with the Council about cell towers has been positive thus far.

- **Current language: towers set back at least 1 foot from the front, side, and rear lot lines for each foot of overall facility height.**

DISCUSSION ITEM FOLLOW UP

■ Accessory Structures – 33% to 50% (4.5.4.F.)

I am concerned about the 33% requirement limitation on accessory structures as we currently allow 50%. I assume this would apply to accessory dwellings. I feel that a reduction in the accessory structure size limitation would not be in keeping with encouraging affordable housing (since we are limited as to how we can address affordable housing). I actually agree, and changed this to 50%. However, if Pam is aware of a reason that this was limited to 33%, let us know and I can change back. I actually think this was a carryover from the current LDO being somewhat restrictive on where accessory dwellings could go, but I don't recall exactly. In any case, it is old and not in keeping with the current interest as Lori states. I think it is worthwhile to hear from the committee on it, if for nothing more than to have their support. But they also may want a distinction related to the use of the structure. If we are encouraging accessory dwellings, then 50% makes sense. But if there is a concern about accessory structures that are not dwellings competing with the principal structure as far as massing, those uses could have a lower percentage applied. **For input and follow up.**

DISCUSSION ITEM FOLLOW UP

- Sidewalks required for changes in use to a more intense use (9.4.2.E.)
 - I know this was an issue for some committee members, but I knew the Town was also looking for opportunities to improve existing sites. I added language clarifying that this is only intended to kick in where the change of use is to a more intense use (for example, when an office changes to a restaurant). Maybe this is too subjective? If you think this should go away altogether I'm fine with that also.

DISCUSSION ITEM FOLLOW UP

- **Duplexes allowed in NBR**

We had had several requests for duplexes lately and it caused me to re-examine the use in the new LMO. Duplexes are allowed by right in the current NR district. In the new LMO, they are only allowed with a High-Density Overlay. Was there a discussion about duplexes that led it to be more restrictive in the new code? If not, I would really like to see it remain as a use by right in the NR (which will be the NBR). Thoughts? Sorry for not catching this sooner.

DISCUSSION ITEM FOLLOW UP

- **Duplexes allowed in NBR**

Yes, part of the reason was to protect from gentrification of the Ball Park community, which has received a good bit of interest in redeveloping parcels to the highest allowable density in recent years. Much discussion and I don't mind admitting a significant push from me has occurred regarding efforts to keep the single-family neighborhoods (where that is the historic character) single-family, and allowing duplex and multi-family in the areas designated for high density residential. The strategy being to encourage higher density residential in areas where it is more appropriate or already exists to get some good quality developments there, encouraging the student rental market to move to those areas and reverse or reduce the transition of owner-occupied homes to student rentals that has amplified in the last few years.

DISCUSSION ITEM FOLLOW UP

- **Duplexes allowed in NBR**

As you know, density is generally encouraged closer to the core, but Elon is not a typical community. The drain on code enforcement and police is significant where conflicts arise between the owner-occupied residences and the students renting in those neighborhoods. The landlords are making a killing, and a lot of those houses are very poorly maintained and are a drain on property values and tax base. Not just in Ball Park, but areas north of there all the way to Haggard (W Summerbell comes to mind). We are allowing density in downtown districts and in high density overlay areas where it is less likely to result in degradation of the existing character. NBR will be differentiated from other residential districts by smaller lot sizes, reduced setbacks, allowing ADUs.

DISCUSSION ITEM FOLLOW UP

■ Duplexes allowed in NBR

Interesting. We have already received a duplex project for the end of Neal Street (extending out to S. Williamson) in the Ballpark community, which is being developed under the current LDO.

While I appreciate the reduced lot sizes and setbacks, allowing the same single-family uses in a denser zoning district doesn't make much sense to me. I would much rather see the Ballpark area rezoned to SR (or SBR) rather than see a zoning district tailored to a specific community. Was any thought been given to that option? I appreciate the HDO option. I just don't think it makes a great deal of sense from a zoning standpoint. Like you, I agree that the higher density should be closer to the core. That being said, there is SR zoning across S. Williamson from Ballpark. I don't think it would be a stretch to extend it. The FLUM in the Comp. Plan would support it as well as strangely enough, it calls for the Ballpark area to be low-density residential.

DISCUSSION ITEM FOLLOW UP

- **Duplexes allowed in NBR**

I am guessing we are too far along in the process to look at rezoning Ballpark. However, that does bring up the issue of the new zoning map. With all these new zoning designations, I assume y'all are also handling the concurrent rezoning to go along with the new LMO?

Sorry, I have so many questions late in the process. I wish I had been here earlier in the process, but I wasn't, so I am just trying my best to make sure I have a decent code to work with as the current LDO is....well, I have a lot of words for it. Contradictory is probably the first one that comes to mind. It is also very unclear in several areas.

DISCUSSION ITEM FOLLOW UP

- **Duplexes allowed in NBR**

Yes, the timing is not optimal. You inherited this project mid-stream and I inherited the comp plan mid-stream and found myself in the same position. Lots of questions and seeing a need for changing direction to some extent, but knowing that I was slowing the project down in doing so.

So, I think I mentioned that it is not just the Ball Park community that is threatened with inundation of rentals, it is basically the entirety of the NR district south of University Drive.

NEXT STEPS

- **Next meeting: late Jan/early Feb (Chapter 7 – Development Standards)**
- **January 23rd meeting with the Town Council (6pm) to discuss the timeline for completion of the LMO and a few key decision points:**
 - **Development processes and approvals (who decides and how?)**
 - **Affordable/attainable housing and how to get more of it**