



Legislation Text

File #: ID 20-0486, **Version:** 1

Public Hearing for the Adoption of a Land Development Ordinance Amendment to Create Modification Provisions to Allow Single Family Detached Residential Developments within the General Watershed Area and Other Watershed Districts to Use Percentage of Built Upon Area to Measure Density (Staff Recommended Option “A”)

Council Priority: Create an Environment to Promote Economic Development Opportunities and Job Creation / Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Planning
Council District: All

Public Hearing: Yes
Advertising Date/By: July 2, 2020 and July 9, 2020/City Clerk

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PURPOSE:

The purpose of the text amendment is to amend the Land Development Ordinance (LDO) to create modification provisions to allow single family detached residential developments within the general watershed area and other watershed districts to use percentage of built upon area to measure density. The City Council is required to hold a public hearing on this amendment before considering its approval.

BACKGROUND:

The State mandated watershed regulations require certain development standards for developments based on their density. The more dense the development, the stricter the regulations. Since the creation of the watershed regulations, Greensboro has been measuring density in single family subdivisions by using the “units per acre” measurement. Several months ago, the development community notified Greensboro staff that there had been an interpretation from the North Carolina Department of Environmental Quality that allows municipalities to use either “unit per acre” or “percentage of built upon area” to measure density in single family developments. Staff received confirmation from Annette Lucas, with the North Carolina Department of Environmental Quality, that the new interpretation is supported by their staff, DEMLR leadership, and department counsel.

In response to a request from the development community, staff has formulated a text amendment to modify the Land Development Ordinance to include an option for single family detached residential developments within the General Watershed Area and Other Watershed Districts to use “percentage of built upon” area to measure density. The amendment also includes the provision that a “Type 2 Modification” must be granted by the Technical Review Committee in order to use this option.

A “Type 2 Modification” is a specified technical exception to the Ordinance that may be approved without going through the Variance process. Approval is limited to the specified exceptions and adjustments expressly

authorized when general criteria have been met. These modifications may be approved if the Technical Review Committee determines that at least one of the following criteria are:

1. That the proposed modification will result in equal or better performance than the standard being modified;
2. That the size, topography, or existing development of the property or of adjoining areas prevents compliance with a standard; or
3. That a federal, state, or local law or regulation prevents compliance with the standard.

The text amendment, Option “A,” will make several changes to the Land Development Ordinance which are outlined as follows:

1. Section 1 of text amendment adds the modification to Section 30-12-3.4(C);
2. Section 2 of the text amendment adds the measurement option to Section 30-12-3.11(B); and
3. Sections 3 and 4 of the text amendment adds a note to Table 12-6 and Table 12-7 to cross reference the availability of the option.

Although this change will give developers the option of using two different ways to measure density as it relates to the Watershed Regulations, this amendment will not allow for an increase in the permitted density for the development. The overall development density will still be held to those limits imposed by the Land Development Ordinance for the zoning district in which the development is located.

BUDGET IMPACT:

This item will have no budget impact.

RECOMMENDATION / ACTION REQUESTED:

The ordinance amendment was presented to the Planning Board at their June meeting for their review. The Planning Board voted to recommend to the City Council Option “B” on a vote of 6-2 (Ayes: Allen, Cooke, Blackman, Brandon, Wade, and Martin Nays: Carter, and Bryson).

Staff respectfully recommends to City Council Option “A”. The Type 2 Modification review by the Technical Review Committee allows the City to ensure that developments using the “percentage of built upon area” option does not negatively impact public health and safety.