

# NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE  
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## TEXT AMENDMENT Application

Applicant Information		
<b>Name</b> Stephen C. Pritchard, Esq.		
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<b>City, State, Zip</b> Greensboro, NC 27408		
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Application Tracking Information (Staff Only)		
<b>Case Number</b> TA18-01	<b>Date/Time received:</b> 4/5/2018	<b>Received by:</b> BS

Subject Text
<b>Subject Ordinance (Zoning, Subdivision, etc.):</b> Zoning
<b>Chapter and Section(s):</b> Permitted Uses Table, Section 61.3 and Section 72-43

## Proposed Text Amendment

Please provide the proposed amendment to the stated ordinance and section(s) (please provide additional pages if needed):

See attached

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## APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Applications determined to be incomplete must be corrected in order to be processed for further review.

Required Information		Applicant Initial	Staff Initial
1	Complete Text Amendment application.		BS
2	Application fee – \$400 (\$600 for Land Use Plan amendments).		BS
3	1 hard copy of ALL documents. Additional hard copies may be required by staff depending on the size of the document.		BS
4	1 PDF digital copy of ALL documents on a Compact Disk (CD).		BS

## ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the text amendment for which I am applying. I understand that I have the burden of proving why this requested change is reasonable and in the public interest, and is consistent with the County's Policies for Growth and Development. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature of Applicant

Stephen C. Pritchard, Esq.

Print Name

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

### For Staff Only

#### Application Comments

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## Text Amendment

### **Background:**

The applicant is seeking to amend certain regulations related to the location and access requirements for high density developments.

### **Location:**

The future land use plan provides for the following with respect to the location of place types:

“The intent of the Future Land Use Map is not to be legally binding, but to be a general representation of the vision for New Hanover County’s future land use, developed by the citizens and community leaders that participated in the Plan NHC process. The goals of the Future Land Use Map place types are to identify overall areas of applicability for each.

However, the individual place type locations should not be interpreted as being parcel specific like a zoning classification would be. Instead, place type locations are interpretations of future development opportunities within the areas that help create a community. This map will serve as a tool for planners to help reach the goals set by the citizens through future development. This map will also be an important tool when developing the new zoning map and the county’s new unified development ordinance.”

As noted above, the Future Land Use Map is not intended to be legally binding in the same way a zoning map would be however, with respect to High Density Developments, the “Bridging Ordinance” (A-424, 7/16) as applied, provides that they are only permitted in areas classified Employment Center, Urban Mixed Use, or Community Mixed Use place types and the practical effect of Bridging Ordinance is (i) that the Future Land Use Map is now being treated as “legally binding” or legally enforceable and (ii) land owners located in areas, contiguous to or within a close proximity of areas classified as Employment Center, Urban Mixed Use, or Community Mixed Use place types, whose desire their project to be consider for a special use permit for high density development are precluded from applying for the same.

### **Access:**

The thoroughfare direct access requirements for high density projects provide that such projects must either be contiguous to an approved thoroughfare or be connected through a public collector street, built to DOT standards to an approved thoroughfare. The amendment, as proposed, would provide that high density projects may also be connected through private streets built to either DOT or County standards which would provide for more flexibility in development of high density projects that will not be located contiguous to an approved thoroughfare but are designed to be integrated into future or existing projects which are already contiguous to an approved thoroughfare.

**Article V: District Regulations – Table of Permitted Uses**

Permitted Uses
High Density Development (3/22/82) <del>Permitted only within Employment Center, Urban Mixed Use, or Community Mixed Use Place Types</del> (2/16/87, 10/11/95, 9/6/16)

**Article VII: Provisions for Uses Allowed as Special Uses – Section 72-43: High Density Development**

(D) Determination of site capacity

2. Each high density development shall be located on a parcel of land that is either totally or primarily in, contiguous to or within 250 feet of, the boundary of areas classified Employment Center, Urban Mixed Use, or Community Mixed Use place types. In cases where a high density development includes primarily Employment Center, Urban Mixed Use, or Community Mixed Use and limited Conservation place type or AE or VE special flood hazard areas or CAMA Estuarine Areas of Environmental Concern, the residential units shall not be clustered at a density greater than 2.5 units per BASE SITE acre in the AE or VE special flood hazard areas or CAMA Estuarine Areas of Environmental Concern. (10/5/95)(9/6/16).

**Article VI: Supplementary District Regulations – Section 61.3: Thoroughfare Requirements**

(A) Access to Thoroughfares – The property to be developed must have direct access to and from an existing major or minor arterial roadway, as indicated on the New Hanover County Thoroughfare Classification Plan. The direct access requirement may be satisfied as follows:

2. The property ~~is connected~~ accesses said thoroughfare by a NCDOT-maintained public street or by a private street designed and constructed in accordance with the County's minimum standards for a collector road. This connecting street shall be designed to serve only traffic originating from or going to the development, or other existing Planned Developments or High Density developments, or any future residential development. (2/16/87)