

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
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TEXT AMENDMENT Application

Applicant Information		
Name Stephen C. Pritchard, Esq.		
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Address 804 Green Valley, Suite 200		
City, State, Zip Greensboro, NC 27408		
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Application Tracking Information (Staff Only)		
Case Number TA18-01	Date/Time received: 4/5/2018	Received by: BS

Subject Text
Subject Ordinance (Zoning, Subdivision, etc.): Zoning
Chapter and Section(s): 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


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



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.

Part 1 – Proposed additions/deletions to Permitted Uses Table

Permitted Uses Table

High Density Development (3/22/82)

Permitted only within [or near](#)

Employment Center, Urban Mixed Use, or
Community Mixed Use Place Types

(2/16/87, 10/11/95, 9/6/16)

Part 2 – Proposed additions/deletions to Thoroughfare Requirements for High Density developments

Section 61.3: Thoroughfare Requirements

These requirements shall apply to Planned Developments and High Density developments:

(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:

1. One or more property boundary lines is contiguous with and utilizes access to and from said thoroughfare; or
2. The property is connected to said thoroughfare by ~~a public street~~ or private streets. Public streets shall be designed and built to the specifications of "Residential Collector Streets" as defined in N.C. Department of Transportation Subdivision Construction Standards, or as thereafter amended. ~~This connecting street~~ Private streets shall be designed and built to specifications of either County or "Residential Collector Streets". Connecting streets may be designed to serve ~~only~~ traffic originating from or going to the development, or other existing Planned Developments ~~or~~ High Density developments, or any existing or future residential development or commercial developments. (2/16/87)

Part 3 – Proposed additions/deletions to location requirements for High Density developments

Section 72-43: High Density Development
(2/16/87)

Purpose: The purpose of this section is to encourage high density development in or near Employment Center, Urban Mixed Use, or Community Mixed Use place types where adequate services are available, provided that environmental impacts are minimized and adequate open space is provided. (10/5/95)
(9/6/16)

(D) Determination of site capacity

1. The maximum number of dwelling units that may be built may be determined by multiplying the BASE SITE AREA by the appropriate density factor from the table below. (1/2/90) (10/5/95)

<u>DISTRICT</u>	<u>DENSITY FACTOR</u>
R-10	17 units/acre
R-15	10.2 units/acre
R-20	4.25 units/acre
O&I	10.2 units/acre
PD (inside Employment Center/Urban Mixed Use/Community Mixed Use/General Residential place types	4.25 units/acre

2. Each high density development shall be located either totally or primarily in, contiguous to or within 250 feet 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 BASESITE acre in the AE or VE special flood hazard areas or CAMA Estuarine Areas of Environmental. (10/5/95) (9/6/16)