

UNIFIED DEVELOPMENT ORDINANCE (UDO) PROJECT ZONING DISTRICT WORK SESSION

August 16, 2018

230 Government Center Dr., HR Training Rooms

6-8 PM

The August 16, 2018 UDO Project Work Session will focus on proposed changes to New Hanover County's zoning districts, including the line-up of districts (B-2, O&I, R-15, etc.) and potential amendments to existing districts. Staff will be seeking the Planning Board's confirmation of the direction of anticipated ordinance changes ("Points of Direction"), but no final decisions or approvals are necessary at this stage in the process.

The information in this packet outlines the topics that will be discussed at the work session and includes:

- The points of direction that are common to all zoning districts.
- An outline of the specific points of direction that staff is requesting for each type of district.
- Profile sheets for existing residential, commercial, industrial, and mixed use zoning districts.
 - Each profile sheet summarizes the intent, dimensional requirements, use permissions, and other standards currently in the New Hanover County Zoning Ordinance.
 - Potential considerations for changes are outlined in text boxes. They are intended to provide the Board with needed context for potential drafting options.
 - A map highlights the locations of the county where the district is currently applied and includes information on the number of acres that could potentially be affected by modifications.
- Summary sheets for proposed new residential, commercial, and mixed use districts.
 - Each proposed district summary includes a photograph indicating the type of development that could be possible within the district.
 - The summary also includes a description of how each proposed district is anticipated to work within the line-up of similar districts, along with draft intent statement language.

The information included in the packet is a refinement of the Phase 1 draft code language released this past spring, based on stakeholder comments and further research. In outlining drafting choices, staff has relied on several rules of thumb: limiting nonconformities and negative consequences for existing developments, providing a variety of new tools that can build the vision of the Comprehensive Plan, refining ineffective practices when possible, and continued coordination with the City of Wilmington.

COMMON POINTS OF DIRECTION FOR ALL DISTRICTS

The following are general summaries of the most important points of direction that staff needs in moving forward with drafting Phase 1 of the UDO. Please consider them while reading through each of the profile and summary sheets. All of these points are further described in the potential consideration text boxes on the relevant profile sheets, and staff will present more detailed information and context at the work session.

- 1. Refining the intent statements to move regulations to standards sections and provide clearer direction for use.** Intent statements provide general language on the purpose and character of a district to inform rezoning decisions. Some of the current intent statements include regulations—such as prohibited uses, district size requirements, and access standards—that would be more appropriate in the sections of the ordinance that outline similar standards. In addition, some intent statements no longer reflect how the district functions. The R-15 district, for instance, has a stated intent to be applied to areas without water or sewer utilities, but that infrastructure is now available to much of the land in that zoning district.
- 2. Removing regulations tied to the Comprehensive Plan place types.** When the Comprehensive Plan was adopted in 2016, standards tied to CAMA Land Use Plan land use classifications were replaced with references to the new plan’s place types in a “bridging amendment.” This was intended to be a temporary fix because the place types were not meant to be used in a property-specific, regulatory manner like zoning districts and did not take into account current land uses or infrastructure availability the way the former land classifications did. These references to the Comprehensive Plan make it a de facto regulatory document, which is not how it is intended to be used.
- 3. Removing or reducing minimum acreage requirements for districts.** As the county’s population grows and a greater mixing of uses is envisioned in long range plans, a minimum acreage requirement for zoning districts is no longer the most appropriate method to ensure harmonious integration of uses.
- 4. Identifying uses with additional requirements with a “U” for Use-Specific Standards on the Table of Permitted Uses.** Currently, it is not always clear when a particular use has requirements in addition to the general standards that apply to all developments, such as setbacks, minimum parking requirements, landscaping, etc. Some uses are permitted and approved administratively but have requirements in addition to those general standards, such as greater setbacks to reduce sound impacts from kennels or requirements that travel trailers be located in approved travel trailer parks. Identifying these uses as a U (as opposed to a “P” for Permitted or “S” for Special Use Permit) on the Table of Permitted Uses can highlight these requirements for code users.
- 5. Moving temporary and accessory uses to separate sections within the ordinance.** In recent years, some jurisdictions have begun to create separate sections in the zoning ordinance for accessory uses and temporary uses. This drafting option can help in making sure accessory use regulations are easier to identify and can reduce repeating common standards throughout the ordinance. It is not intended to create additional regulations for accessory or temporary uses.
- 6. Modifying how building height is measured.** Currently, a building’s height is measured by calculating the average of all roof elevations, which can be complicated and makes it difficult to anticipate a proposed building’s highest point. We are considering adjusting this and tying height to a maximum number of stories. This method can make it easier to anticipate a building’s impacts and can provide architectural flexibility as new construction standards or methods are developed.

7. **Updating use terms that could affect permissions.** The draft use list released this past spring modifies the names and definitions for some uses. These changes could impact some current permissions, for instance, limiting mobile homes not built to federal construction and safety standards.