


To: Robert Gough, City of New Bern  
From: Chad Meadows, CodeWright   
Date: 9.29.24  
CC: Jess Rhue, Courtney Tanner, File  
RE: Re-New Bern  
Task 3, Annotated Outline Trip Notes



## MESSAGE

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These are the meeting notes from the Re-New Bern LUO update project Task 3 Annotated Outline trip conducted in New Bern on September 10 and 11, 2024. These notes document the activities conducted during the trip and summarize the discussion. Copies of presentation slides are also included.

The Re-New Bern project is an effort to update the City's LUO to make the City's development regulations more modern, user-friendly, predictable, and easy to administer. The project is also intended to implement the 2010 Regional CAMA plan, the 2022 Land Use Plan Update, and the 2022 Bicycle and Pedestrian Plan. The project will restructure and modernize the current LUO, clarify development review procedures, revise several of the zoning districts, add modern uses, and incorporate more graphics and illustrations.

Task 2 of Re-New Bern is the Annotated Outline, or the "dress rehearsal" for the new LUO. It reformats the information from the code Assessment (and associated input) prepared in task 2 into a new summary document that sets out the new LUO's form, structure, and content. The Code Assessment Task includes the following eight activities:

1. Project Team Meeting 3
2. Meeting with Alderman Prill from Ward 1
3. A work session with the Board of Aldermen on project-related issues
4. Office Hours 2
5. A status meeting on the draft Zoning Map update
6. Project Steering Committee Meeting 3
7. Meeting planning for the interest meetings planned for October, 2024
8. Office Hours 3

Based on questions and concerns raised by the Board of Aldermen concerning opportunities to meet with affected members of the community, the consulting team plans to return to New Bern for two days of meetings with the public and various interest groups at the end of October. While these meetings are technically part of Task 3, this set of trip notes does not discuss any of the results from those meetings. Details from the outcomes of those meeting will be provided under separate cover.

Additional detail about the status of each of these eight activities is listed, in order, on the following pages.

*CodeWright*



### 1. PROJECT TEAM MEETING 3

The third Project Team meeting was conducted on September 10, 2024 with the key staff in the City's Development Services Department. Topics included discussion of the following:

- The group discussed the agenda for the Annotated Outline trip, including the mechanics and protocols for the Board of Aldermen work session meeting scheduled for September 10. The decision was made on September 3 to not provide a powerpoint or material in advance, but rather to share project status, and explain basic project concepts.
- The group also discussed the upcoming meeting with Alderman Prill. This meeting is proposed because it is important for City leadership to understand what is proposed in the downtown (conversion of several overlay districts into base districts or development standards as a means of simplifying the development regulations). The staff and consulting team need to clarify that the project is not intending to reduce or remove standards for development downtown, but rather to re-organize how they are presented and simplify how they are applied. The consulting team is also interested in asking what is or is not working today with respect to the downtown area and which parties from the downtown are should be invited to the upcoming downtown residents' roundtable meeting to be conducted in October.

### 2. MEETING WITH ALDERMAN PRILL

The meeting with Alderman Prill was conducted with Development Services Department leadership and the consulting team on September 10. The meeting commenced with an overview of the Re-New Bern project and some of the specific proposals for the downtown area, including:

- Conversion of the local historic overlay zoning district into a new Historic base zoning district comprised of two sub-districts: a residential sub-district and a non-residential sub-district that also accommodates mixed-use development.
- Conversion of the Five Points Redevelopment overlay zoning district into a new Redevelopment base zoning district.
- Options for addressing the 4-block area where the proposed Historic district and the proposed Redevelopment district overlap (around Trent Woods).
- Consolidation of the C-1 Central Business District into the new Local Historic base district.
- Conversion of the New Bern Waterfront Overlay District and the C-2 Commercial Waterfront Zoning District into new basic dimensional standards applied to all lands adjacent to waterways.
- Conversion of the Riverstation Mixed-Use Overlay District into a new Mixed Use base district.
- Consolidation of the three Neighborhood Conservation Overlays into a new single Neighborhood Conservation Overlay with the removal of some single-family residential design controls that are no longer authorized by the NC General Statutes.





## NEW BERN LAND USE POLICY SUMMARY

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### Task 3 Annotated Outline – Trip Notes

- Continuation of the current Flood Hazard Overlay District in the downtown and the difficulty the flood rules present for encouraging redevelopment (such as requirements for building elevation).

Alderman Prill suggested the staff and consulting team prepare more informational material for the community to explain the changes being proposed – what base and overlay districts are, how they differ from historic designations, and so forth. He suggested that we clarify that we are not adding more standards or requirements to lands in the Historic District.

Mr. Prill mentioned that the project should explain the proposed changes to the Neighborhood Conservation Overlay district based on changes in State law with respect to design controls on single-family design controls. These changes will impact Lawson Creek and Dryborough-Riverstation, but will not affect the portions of the Ghent Neighborhood Conservation Overlay district located within the National Register Historic District (since lands within National Register districts may maintain design controls for single-family development). Mr. Prill asked that the project team continue to keep the City and the Aldermen informed about the proposed changes to the Neighborhood Conservation Overlay district.

Mr. Prill suggested that the staff and consulting team explain how the flood zone designations in the downtown area complicate the provision of affordable housing. Need to explain what the “CRS” is, why we must have flood insurance, and how the City can not permit significant deviations from the flood damage prevention rules.

Mr. Prill asked the staff and consulting team to research and be sure that the proposed changes will not affect anyone in an adverse way.

When asked about what is NOT working with the current regulations, Aldermen Prill suggests that he has heard from constituents that when redeveloping in historic areas sometimes the “like for like” replacement requirements are difficult to comply with. He wonders if there are any ways to allow for substitutions that protect visual integrity without causing exceptional challenges for landowners. He mentioned that there are some owners in the historic area who are violating the current provisions but there are no repercussions or consequences for violators.

He wonders is, given the cost, and difficulty of applying the regs, and the City’s challenges in enforcing them that if there may be some reasons to relax some of the historic standards.

City Staff and the consulting team mentioned our desire to have a meeting with downtown residents and business owners and asked Alderman Prill to identify potential topics of discussion for this meeting. He mentioned:

- Sandwich board signs (including the possibility of abolishing them);
- Parking requirements outside the exempt areas; and
- Conversion of formerly residential structures into non-residential use

Mr. Prill also provided some suggestions for downtown focus group meeting attendees.





# NEW BERN LAND USE POLICY SUMMARY

## Task 3 Annotated Outline – Trip Notes

### 3. WORK SESSION WITH BOARD OF ALDERMEN

The consulting team conducted a work session meeting with the Board of Aldermen at 2:00PM on Tuesday September 10, 2024 to discuss some of the key recommendations in the Annotated Outline. The following pages provide detail on the topics covered by the consulting team



## NEW BERN LAND USE ORDINANCE

AO Board of Aldermen Work Session 9-10-24

### REVIEW OF ANNOTATED OUTLINE

#### I. General Aspects

What is the Annotated Outline?	A dress rehearsal for the LUO – it documents the new LUO structure, layout, and contents
Why do we prepare it?	It guides the drafting effort & provides the City with a detailed roadmap of the new LUO
What is it based on?	Code Assessment, Stakeholder input, public comments, best practices in development regulation, Adopted policy guidance
What are the Re-New Bern project goals?	<ol style="list-style-type: none"> <li>1. More user-friendly regulations</li> <li>2. Enhanced graphic communication</li> <li>3. More efficient and predictable review process</li> <li>4. Add incentives and flexibility</li> <li>5. Raise the bar for development quality</li> <li>6. Promote more sustainable development</li> <li>7. Provide more housing options</li> <li>8. Modernize the uses and zoning map</li> </ol>

#### 2. Procedural Changes

Chapter highlights	Consolidated into 1 chapter; uniform procedural structure; new purpose & intent statements; flow charts; review criteria for each procedure; new procedures manual
Guiding principles	Remove guesswork where possible; codify standards; delegate decision-making to staff where possible (based on codified standards); clarify applicability
Select new procedures	<ul style="list-style-type: none"> <li>• Administrative adjustment</li> <li>• Annexation</li> <li>• Conditional rezoning (limited/unlimited)</li> <li>• Conservation subdivision</li> <li>• Construction drawings</li> <li>• Determination</li> <li>• Fee-in-lieu</li> <li>• Performance guarantee (not new idea, but new procedure)</li> <li>• Transportation impact analysis</li> </ul>
Other key changes	<ul style="list-style-type: none"> <li>- Mandatory pre-application conferences (conditional rezoning, conservation subdivision, development agreements, land disturbance permit, Macor COA, preliminary plat, site plan, SUP, TIA)</li> <li>- Administrative decisions on preliminary plats, final plats, and subdivisions</li> <li>- Administrative decisions on fee-in-lieu and performance guarantees</li> <li>- Special use permits to Board of Aldermen, not Board of Adjustment</li> </ul>





# NEW BERN LAND USE POLICY SUMMARY

## Task 3 Annotated Outline – Trip Notes



### NEW BERN LAND USE ORDINANCE

AO Board of Aldermen Work Session 9-10-24

#### 3. Zoning Map Changes

Chapter highlights	New district naming conventions; consolidation of base districts (from 19 to 14); overlay district conversions; 2 new conditional districts; abolition of some current districts
Guiding principles	More clarity on district purpose statements; more clarity on dimensional requirements; removing geographic complexities, <b>not standards</b>
District consolidations	<ol style="list-style-type: none"> <li>1. Joining A-5 &amp; A-5F into a single Agriculture district</li> <li>2. Joining C-3 and C-3H into a single High Intensity Commercial district</li> <li>3. Joining C-5, C-5A, and C-6 into a single Office &amp; Institutional district</li> <li>4. Joining R-10A, R-8, and R-6 into a single High Density Residential district</li> <li>5. Joining R-10 and R-10S into a single Medium Density Residential district</li> </ol>
District conversions	<ol style="list-style-type: none"> <li>1. Converting C-1 Central Business District and the current Local Historic Overlay District into a new Historic Base District (comprised of Historic Residential &amp; Historic Nonresidential sub-districts)</li> <li>2. Converting the Riverstation Mixed-Use Overlay District into a new Mixed-Use Base District (which could be established elsewhere in the City as well)</li> <li>3. Converting the 5 Points Redevelopment Overlay district into a new Redevelopment base district (NOTE: there is apportion of the current 5 points overlay district that will be retained where it overlaps with the new Historic base district boundary)</li> <li>4. Converting the 3 different Neighborhood Conservation Overlay Districts (Lawson Creek, Dryborough, Ghent) into a single NCO (along with removal of certain building design requirements which are no longer authorized under the NCGS)</li> </ol>
District Abolitions	<ol style="list-style-type: none"> <li>1. Abolishing the C-2 Commercial Waterfront district and the New Bern Waterfront Overlay Districts in favor of new dimensional standards applied to waterfront/waterfront adjacent lots (lots with 100'-200' (?) of waterfront – consider height cap of 65')</li> <li>2. Abolishing the Commercial Entranceway Corridor Overlay (applied to 7 corridors) in favor of new city-wide design standards for non-residential, multi-family, and mixed-use development</li> <li>3. Abolishing the Freeway Sign Corridor Overlay District (15-334 - it allows an additional freestanding sign to be permitted with approval of an SUP)</li> <li>4. Abolishing the Recreational/Sport Hunting District</li> </ol>
Conditional Districts	<ul style="list-style-type: none"> <li>• Removing PUD development option in favor of conditional zoning procedure (current PUDs may continue in accordance with their prior approvals)</li> <li>• Limited: May reduce range of allowable uses or apply conditions that are more restrictive</li> <li>• Unlimited: May request waivers or deviations (in addition to standards that are more restrictive)</li> <li>• Unlimited requests are expected to demonstrate increased quality beyond that resulting from a strict application of the standards</li> </ul>





# NEW BERN LAND USE POLICY SUMMARY

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### NEW BERN LAND USE ORDINANCE

AO Board of Aldermen Work Session 9-10-24

#### 4. Land Use Changes

Chapter highlights	New use classification system (depart from ; numerous new uses (from 118 to 177) particularly residential; separate standards for secondary (accessory uses); comprehensive set of use standards; new provisions to help classify unlisted uses; addition of conditional zoning districts
Guiding principles	More uniform structure; recognize distinctions between principal, secondary, and temporary uses; reduced reliance on special use permits in favor of codified standards
Use classification approach	5 use classifications, each based on a series of use categories, then use types (no longer using SIC codes)
New uses	aquaculture, bottle shop, microbreweries, mobile restaurant-related, event venues, co-working, micro retail, renewable energy, business incubator, makerspace, cryptomining, urgent care, small & concealed wireless, bungalow court, live/work, pocket neighborhood

#### 5. Development Standards Changes

Chapter highlights	Consolidation of 18 sets of development standards into one chapter;
Guiding principles	Comprehensive; supplemented with graphics and rules of measurement; clarity on applicability/exemption; incorporate alternative forms of compliance
Key changes	<ul style="list-style-type: none"> <li>• Circulation – driveway standards, on-site pedestrian circulation, parking lot cross-access</li> <li>• Design standards – New firewise, mixed-use, multi-family, and non-residential design standards + single-family guidelines (includes density bonuses)</li> <li>• Exterior lighting – limits light trespass/glare on residential lots, no LEDS around windows, no rope lighting along building features (string lights allowed)</li> <li>• New street connectivity/access point requirements for subdivisions</li> <li>• Open space (passive, active, gathering) required for all forms of development except individual single-family detached dwellings</li> <li>• Proposing reserve fund requirements for HOAs</li> <li>• Overhauling signage: remove content-based standards, exempt governmental signs, rules for EMBs, remove sign budget, limits on billboards(?), no more pole signs(?), general feel about sign pollution (too much or okay?)</li> <li>• Stormwater/Sedimentation – in discussion with City staff about some adjustments</li> <li>• Tree protection – simplify! Incentives for tree save + reforestation; same in historic district</li> </ul>





# NEW BERN LAND USE POLICY SUMMARY

## Task 3 Annotated Outline – Trip Notes



### NEW BERN LAND USE ORDINANCE

AO Board of Aldermen Work Session 9-10-24

#### 6. Incentives and Flexibility

Guiding principles	Integrate procedural and substantive flexibility where possible, provided decisions are based on specific, measurable criteria
Procedural flexibility	<ul style="list-style-type: none"> <li>• Administrative Adjustment</li> <li>• Conditional Rezoning</li> <li>• Development Agreement</li> <li>• Vested Rights Certificate</li> <li>• Nonconforming Site Features standards</li> </ul>
Dimensional flexibility	<ul style="list-style-type: none"> <li>- Table of Allowable Encroachments</li> <li>- Conservation subdivisions</li> <li>- Perimeter setbacks for unified developments</li> <li>- Density bonuses for voluntary compliance with residential design guidelines</li> <li>- Carry forward attainable housing density bonus</li> </ul>
Standards flexibility	<ul style="list-style-type: none"> <li>• Alternative plans (parking, landscaping, fencing, lighting, signage)</li> <li>• Shared driveway provisions</li> <li>• Menu-based design standard compliance for multi-family, mixed-use, non-residential</li> <li>• Incentives/reforestation instead of tree save (outside historic district)</li> <li>• Open space set-aside credit – gathering areas, murals, SCM as site features</li> <li>• Sustainable development incentives (energy conservation, LEED certification, water conservation, building configuration) <ul style="list-style-type: none"> <li>○ LID parking lot</li> <li>○ Use of pervious pavement (including maintenance)</li> <li>○ Provision of attainable housing</li> <li>○ Green stormwater infrastructure</li> <li>○ Post construction run-off is less than pre-construction runoff</li> <li>○ Avoiding mass grading</li> <li>○ Tree retention</li> <li>○ Avoiding the 200-year floodplain</li> <li>○ Ways to reduce dependence on HVAC</li> </ul> </li> </ul>

#### NEXT STEPS FOR RE-NEW BERN

1. Meeting with Steering Committee to review AO
2. Continue to review Annotated Outline with City staff in September
3. Continue office hours
4. Roundtable meetings with the community in October/November
5. Commencement of drafting after roundtable meeting series

[www.re-newbern.com](http://www.re-newbern.com)





## NEW BERN LAND USE POLICY SUMMARY

### Task 3 Annotated Outline – Trip Notes

The following comments and questions were provided by the Board of Aldermen:

- The new LUO needs more rules/clarity regarding mandatory street right-of-way widths.
- No support for mandatory fee-in-lieu, but the applicant-requested fee-in-lieu is fine.
- There is support for moving the Redevelopment Overlay boundary in order to address the potential for base zoning district overlay between the proposed Historic District and the proposed Redevelopment District.
- Proposed design standards and guidelines applied outside the local historic district/National Register District may be dropped from the proposed LUO.
- There is support for getting rid of planned unit developments (PUDs) in favor of the proposed conditional zoning district approach
- There is concern about window signs and sign illumination in general.
- There is support to limit outdoor advertising and the ability to convert existing billboards to digital signs.
- There is no support for limits on pole signs.
- The new LUO needs criteria for sidewalks so the City can avoid creating “sidewalks to nowhere.”
- Multi-family development does need to be reviewed via a special use permit, but does need more codified standards.
- There is not support for a 3-5 year delay for clearcutting trees prior to filing an application for development outside a historic district.

#### 4. OFFICE HOURS 2

The CodeWright team will make themselves available for office hours during each of the trips for Tasks 2 through Task 8 of the Re-New Bern project. Office hours are an opportunity for anyone who makes a prior appointment with City staff to meet with members of the consulting team for 15 to 45 minutes, one-on-one, to ask questions or get clarification. In some cases, the consulting team could also make itself available during office hours to make a presentation to a civic or interest group (provided such presentation is authorized by the City).

The second round of office hours were conducted from 4P until 5:30P on Tuesday, September 10. Danielle People of the New Bern Planning Board came for an office hours meeting. Topics of discussion included a project overview, a request to add her to the internal project management site, discussion of the [proposed approach to conditional rezoning, discussion about renewable energy use types and associated battery storage uses (that store the energy created from wind and solar energy conversion uses). There was also a call to ensure broad engagement with the community about the project.

#### 5. ZONING MAP MEETING 2

Development Services staff, the City’s GIS team, and the consulting team met on Wednesday morning September 11 to discuss the progress with the updated zoning map. The group reviewed an initial version of the draft zoning map shown on the following page:

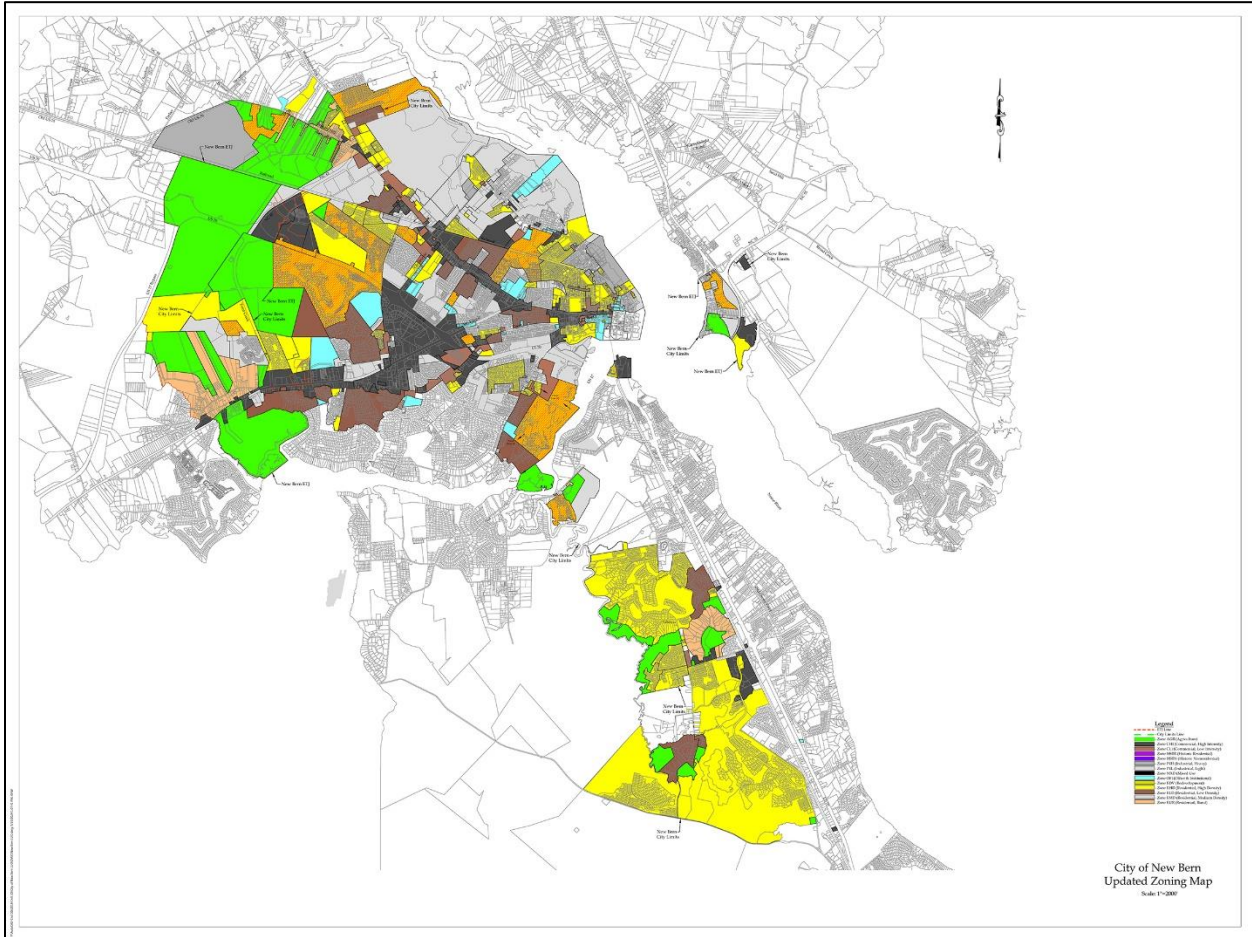






# NEW BERN LAND USE POLICY SUMMARY

## Task 3 Annotated Outline – Trip Notes



The following notes outline the discussion during Zoning Map Meeting 2:

### Desired Zoning Map Changes (based on the current map in progress shown above)

- Add major road names
- Street layer needs to be revised to include clearer road names and bridges
- No zoning on public r/w --- include zoning on private streets
- Do not use black as a zoning district color
- Add water
- Add rail with standard rail image in legend
- Show airport
- No zoning on public r/w --- include zoning on private streets
- Make ETJ at 70% opacity to help differentiate the corporate and ETJ limits.
- Flood - Ok for overlay on paper
- Need updated color scheme (example)
- Deadline 9/27
- The Board of Aldermen want the RDC boundary to be reduced to exclude historic overlay





## NEW BERN LAND USE POLICY SUMMARY

### Task 3 Annotated Outline – Trip Notes

#### Zoning Map - Next Steps

- Need a meeting with Alice and Kim to go over map in more details
  - Week of 9/16
- New Bern will host/create a digital map comparison
  - Re-New Bern page will link to the comparison site the City creates
  - Jessica will work with Colleen to educate the public about the tool
  - Deadline is likely before next trip to New Bern
- Flood - Digital map must show different flood layers for reviewers with toggling ability
  - This is a New Bern staff task
- History of Map Changes
  - Need a detail record (including PINs or addresses) with old and new districts – this will need to occur for each public draft of the map.
  - Need to be clear what is a map correction and what was conversion as part of Citywide update.
  - New Bern staff will need to keep these archives.
- Alice is working on list of corrections that will be folded into the draft zoning map version
- Historic zoning districts
  - Alice will create a map using tax parcel data putting residential in appropriate district and mixed use/nonresidential in appropriate district.
  - Vacant parcels will be classified based on adjacent zoning.
  - Matt will spot check to confirm correct and identify anomalies due to inaccurate tax records.
- Airport Overlay
  - Staff needs to see if noise contours from airport impact New Bern's jurisdiction.
  - Deadline is end of September.
  - This may require an additional overlay district.
- Redevelopment District Boundary overlap area.
  - Zoning district and redevelopment boundary do not need to match per the Board of Alderman.

## 6. PROJECT STEERING COMMITTEE MEETING 3

The project Steering Committee is a group of City staff and appointed officials formed to provide high-level guidance to the consulting team as work products are prepared. The Steering Committee provided “first-blush” reactions to ideas and work products and also helps identify issues for further consideration.

The Steering Committee for Re-New Bern is comprised of the following persons:

Matt Schelly  
David Fishel  
Jonathan Gaskins  
Jaimee A. Y. Bullock  
Scott Davis  
Deanna Trebil

Robert Gough  
Jessica Rhue  
Tripp Eure  
Brad Jefferson  
Kendrick Stanton





## NEW BERN LAND USE POLICY SUMMARY

### Task 3 Annotated Outline – Trip Notes



The Steering Committee received a presentation on the draft Annotated Outline. The following notes summarize the discussion. Copies of the presentation slides are included after the notes.

- Discussed conditional zoning creates unique zoning on a parcel by parcel basis.
- Explained difference between conditional zoning and variances.
- Fee in lieu discussed – explained how the Board of Aldermen does not want mandatory fee in lieu
  - Developers desire to provide FIL
  - Attorney reiterated conversation about authority
- Matt mentioned a tree permit was missing for all historic districts – discussion was okay for local district, not national. Special legislation needed for national districts. – Chad asked if this being handled via COA process, and Matt said no
  - While not discussed at meeting, recommendation is to add as minor COA for clarity and local historic district consistency.
- Design standards for single family discussed and reiterated cannot have them except in local districts.
- Commercial waterfront (former) just set maximum height as 65 feet. Scott provided some historical context and was supported of 65 foot maximum.
- Recreational sport hunting district – Scott provided history, and is going to circle back if needed. There are bow hunting provisions in NCGS --- that may address the issue without having to have an overlay district.
  - Staff will need to reach out and provided deadline for Scott to provide comments so the Annotated Outline can be updated accordingly.
- New Bern does not regulate fencing.
  - They want section 603 dropped from the Annotated Outline.





## NEW BERN LAND USE POLICY SUMMARY

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### Task 3 Annotated Outline – Trip Notes

- Roof mounted solar --- only building permit
- Continue using short term rental provisions as drafted minus registration component which is not permitted by law (and staff does not current require due to case law)
- Need to continue to not exempt parking. This has addresses past issues and is working well.
- Zoning boundary is high water mark in some areas and middle of river in others. Scott advised to look at City limit boundary – not deeds.
- Living in boats is permitted.
- Prohibit vape shops.
- Need additional clarification on how public works standards relate to any proposed street light standards.
- Explore removing minimum parking standards for nonresidential only (except short term rentals).
- No new billboards.
- Pole signs – keep with additional parameters.
- Per Scott, New Bern has a bill that only requires one reading of ordinances, so keeping in criminal penalties does not require a second reading.
- Explained that new local district does not impact how the HPC functions.
- Discussed if conditional zoning should be prohibited in the local historic district.
  - Discussed that it should remain since there may be use that is not permitted as right, but needs additional discussion and consideration by the Board of Aldermen.
  - Need to make it clear that an applicant cannot alter historic guidelines as part of that conditional rezoning.
- Discussed Roundtable Next Steps
  - Zoning map
  - Annotated outline
  - Task 7 – that is just the development community

Slides from the presentation follow.





# NEW BERN LAND USE POLICY SUMMARY

## Task 3 Annotated Outline – Trip Notes

### NEW BERN LAND USE ORDINANCE

Steering Committee Meeting 3 – Annotated Outline  
9.11.24

### OVERVIEW

1. Project Background
2. Annotated Outline
3. Discussion
4. Next Steps

### PROJECT GOALS

1. Make the regulations more user-friendly
2. Enhance graphic communication
3. Ensure efficient and predictable development review processes
4. Add incentives and flexibility
5. Raise the bar for development quality
6. Promote sustainable development patterns
7. Provide more housing options
8. Modernize the land uses and zoning map

### PROJECT TASKS

- Task 1 Completed
- Task 2 Completed
- Annotated Outline staff draft completed

### CODE ASSESSMENT

1. Review of Policy Guidance
2. Review of Current LUO
3. 90+ Recommendations for Improvement

- Refinement of concepts discussed in Code Assessment (Task 2)
- UDO document format
- Article & Section organization
- Procedures, Districts, Uses
- Exploration of proposed Development Standards

### DOCUMENT BASICS

1. ADMINISTRATION
2. APPLICATIONS
3. DISTRICTS
4. LAND USES
5. NONCONFORMITIES
6. STANDARDS
7. VIOLATIONS
8. WORD USAGE
9. APPENDICES

### CHAPTER 10. HEADING I

### CHAPTER I. ADMINISTRATION

### CH. 1 ADMINISTRATION

Prefatory information  
Legal 'boilerplate'  
Review authorities  
Transitional standards  
Vested rights

- 101 APPLICABILITY
- 102 AUTHORITY
- 103 CONFLICT
- 104 CONSISTENCY WITH ADOPTED POLICY GUIDANCE
- 105 DOCUMENT TITLE
- 106 EFFECTIVE DATE
- 107 PROCEDURES MANUAL
- 108 PURPOSE AND INTENT OF ORDINANCE
- 109 REVIEW AUTHORITIES
- 110 SEVERABILITY
- 111 TRANSITIONAL PROVISIONS
- 112 VESTED RIGHTS

### CH. 2 APPLICATIONS

201 Chapter Introduction  
202 Application Summary Table  
203 Application Types  
204 Application Review Procedures

### CH. 3 DISTRICTS

301 Chapter Introduction  
302 Conventional Zoning Districts  
303 Conditional Zoning Districts  
304 Overlay Zoning Districts  
305 General Dimensional Standards  
306 Incentives and Alternatives  
307 Zoning Map

### CH. 4 LAND USES

401 Chapter Introduction  
402 Principal Uses  
403 Prohibited Uses  
404 Secondary Uses  
405 Temporary Uses  
406 Unlisted Uses

### CH. 5 NONCONFORMITIES

Lots, uses, and structures that were lawful, but that now no longer conform to the regulations

- 501 CHAPTER INTRODUCTION
- 502 NONCONFORMING LOTS OF RECORD
- 503 NONCONFORMING SIGNS
- 504 NONCONFORMING SITE FEATURES
- 505 NONCONFORMING STRUCTURES
- 506 NONCONFORMING USES

### CH. 6 STANDARDS

The 'Basic' requirements for development

- 601 Chapter Introduction
- 602 Access and Circulation
- 603 Fences and Walls
- 604 Exterior Lighting
- 605 Infrastructure
- 606 Landscaping and Screening
- 607 Open Space Set-Aside and Parkland
- 608 Owners' Associations
- 609 Parking and Loading
- 610 Pedestrian Facilities
- 611 Signage
- 612 Sedimentation and Stormwater
- 613 Subdivision Design
- 614 Sustainable Development Incentives





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- 613 Subdivision Design
- 614 Sustainable Development Incentives

**CH. 7 VIOLATIONS**  
How the LUO is enforced

- 701 Chapter Introduction
- 702 Compliance Required
- 703 Description of Violations
- 704 Entity Responsible
- 705 Procedures for Enforcement
- 706 Remedies
- 707 Statute of Limitations
- 708 Violation of Flood Protection Controls
- 709 Violation of Sedimentation or Stormwater Controls

**CH. 8 WORD USAGE**

- 801 ABBREVIATIONS
- 802 LANGUAGE CONSTRUCTION
- 803 TERMS DEFINED

**DISCUSSION**

**RE-NEW BERN**  
LAND USE ORDINANCE

**NEXT STEPS**

**TASK 3: ANNOTATED OUTLINE**

- Continuing Staff review and update of Outline
- Preparation of 'Explainer' material for website
- Initial draft of Zoning Map
- Roundtable input meetings October & November
- Task 4, Initial Draft, starting in October

## 7. MEETING PLANNING FOR OCTOBER MEETINGS WITH INTEREST GROUPS

In lieu of drafting design standards for portions of the City outside of the historic districts, contracted hours will be shifted to four Focus Group meetings in response to feedback from Board of Aldermen, City Manager, City staff, and Steering Committee. City staff and the consulting team conducted a discussion to prepare for the upcoming round of meetings with various interest groups in late October.

- Dates: October 29th and 30th
- Development community – daytime day 1 (10:30 to noon)
  - o Tim Jackson, John Thomas – have spoken to both as
  - o Kip Peregoy, DR Horton, Bobby Aster(?)
  - o Chamber
  - o Attorneys
- Downtown/local historic district (see early page of notes for the list) – evening day 1 (6-7:30p)
- Real estate agent, HOAs (PD has community watch group), - daytime (10:30 to noon)
- Group 4 – for the public and open to whomever – evening (4-6)
- The draft zoning map for the remainder of New Bern will not be included as part of the Focus Groups.
- This will not include entire zoning map





## NEW BERN LAND USE POLICY SUMMARY

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### Task 3 Annotated Outline – Trip Notes

There is a substantial amount of background and informational material that should be prepared and posted to the project webpage (or the City's page) in advance of these meetings. The following section provides details of the discussions:

#### FAQ

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- What is the difference between a Local Historic District and a National Register Historic District (proposed text)

A local historic district has been designated by the local governing body and is considered an overlay district as part of the zoning ordinance. The zoning ordinance, as authorized by North Carolina General Statute, imposes certain requirements, creates the Historic Preservation Commission (HPC), and grants certain authority to the HPC. Development in a local historic district must meet design requirements and, as required, receive a Certificate of Appropriateness prior to commencing exterior work.

A National Register historic district is listed in the National Register of Historic Places. Listing in the National Register is mostly an honor but does offer some protection from adverse impacts caused by federal and state-funded projects. In addition, both federal and state tax credits for qualified rehabilitation projects are available to eligible properties in these historic districts.

- What is an overlay district  
A zoning overlay is a regulatory tool that establishes a special zoning district on top of an existing zoning district. Overlay districts can have different requirements than the underlying zoning district, and can be used to promote certain types of development or protect specific areas.
- What is a base district  
A base zoning district is a zoning district that has predetermined standards for development, such as minimum lot sizes, setbacks, and building requirements. These standards are established when a city adopts an official Zoning District Map, and can be further modified by rezoning approvals
- Can the City regulate single-family residential design standards outside of local historic districts or national registered historic district?  
No, North Carolina General Statutes does not permit
- Visual Education
  - o Add one map with all overlays including flood
  - o Add separate maps for each overlay district
  - o Map for all local districts
  - o Map for all national register districts
  - o Consider something like this:  
<https://online.flippingbook.com/view/379904267/34-35/>

#### LUO - Next Steps

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- Bed and breakfasts – make sure in both historic zoning districts





## NEW BERN LAND USE POLICY SUMMARY

### Task 3 Annotated Outline – Trip Notes

- Unlimited rezoning: As drafted it is more restrictive. As part of the steering committee is was explained as more permissive.
- Airport overlay – this district may need to be added

### Website Changes

- Update FAQs.
  - See Website - Next Steps under the under the 9-11 Zoning Map Meeting Notes
  - Overall, need to demonstrate visually the complexity of the overlays
- Update “latest news” on the home page
- Documents page
  - Update annotated outline to include the following:
    - AO (once staff provides comments) – update anticipated mid-October
    - Add link to 9/10 work session.
    - Add trip notes – update anticipated mid-October
- Participate page.
  - Simplify. 1st graphic is no longer applicable since adding Focus Groups.
  - Reduce verbiage.
  - Include past opportunities and upcoming opportunities that can easily be updated.
  - Update timeline image to one that does not have to be updated. See below for a website in North Carolina.



## 8. OFFICE HOURS 3

The CodeWright team will make themselves available for office hours during each of the trips for Tasks 2 through Task 8 of the Re-New Bern project. Office hours are an opportunity for anyone who makes a prior appointment with City staff to meet with members of the consulting team for 15 to 45 minutes, one-on-one, to ask questions or get clarification. In some cases, the consulting team could also make itself available during office hours to make a presentation to a civic or interest group (provided such presentation is authorized by the City).

The third round of office hours were conducted from 2P until 4:30P on Tuesday, July 23. A total of four persons attended the third round of office hours. The following are brief notes about the discussions.







## NEW BERN LAND USE POLICY SUMMARY

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### Task 3 Annotated Outline – Trip Notes

- Signs – want provision for temporary signs three times a year for about a week at a time. Recognizes that signs can be litter. Wants standards for 501c3's with parameters.
- Banners – there are banners that can be hung over major roadways (Pam in the utility department issues them)
- Talked about how signs are a constitutional issue and non-equal application of sign enforcement.
- Reed v Gilbert – interpreted that if a city employee has to read the sign, than that is a content based regulation – that no longer allows a city employee to differentiate between non-profit, for profit, etc.
- TIA
  - Need common sense provisions without having to go through the cost, expense and time of preparing
  - Allow the administrator to have an exception
  - George (public works director) can waive TIA requirement and require a traffic assessment --- waive some of the intersections too
- Neuse Riverkeepers
  - Work with governments to help draft land use and ordinance language
  - Raleigh stormwater commission – new updated manual and r/w developer now must secure to discharge --- only for discharge, not for maintenance
  - Potential incentive for staying outside of 500 year flood – viewed as a positive
  - Questions about missing middle

**END OF REPORT**

