

NEW BERN LAND USE ORDINANCE

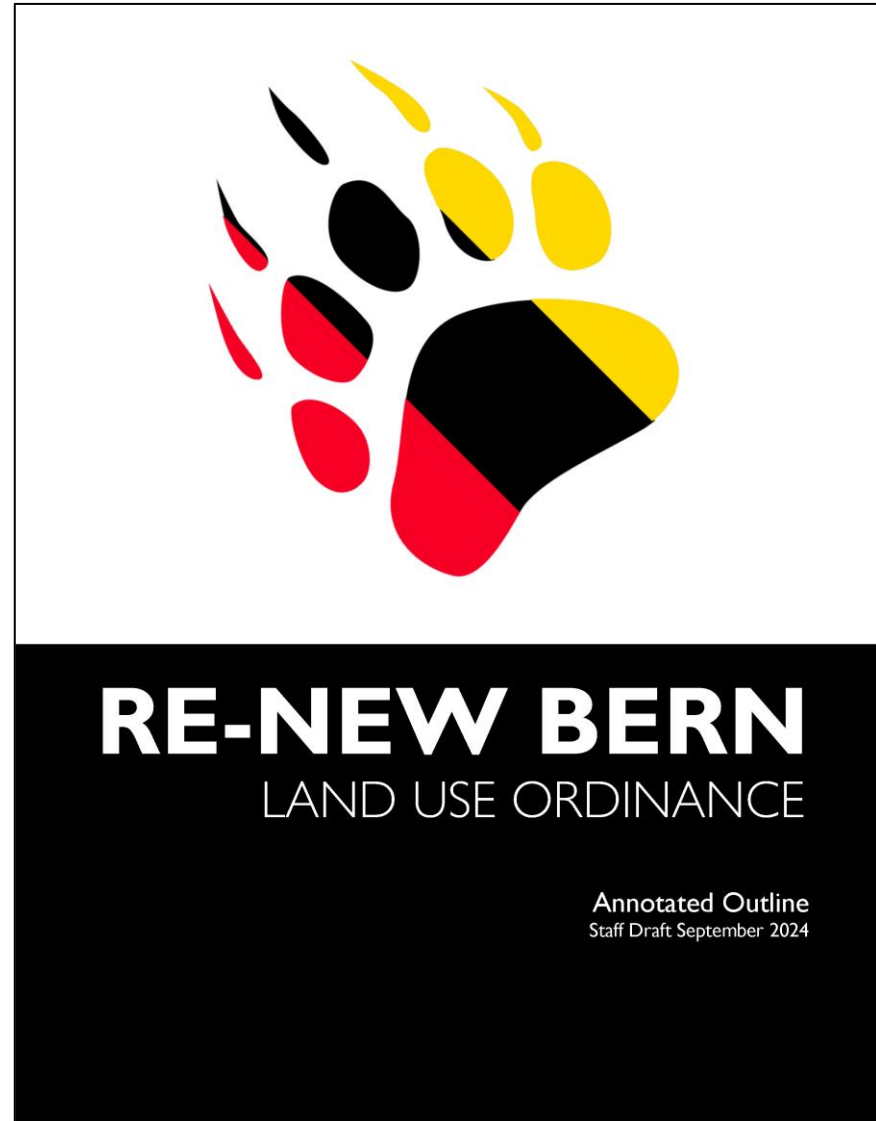
Steering Committee Meeting 3 –
Annotated Outline

9.11.24



OVERVIEW

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



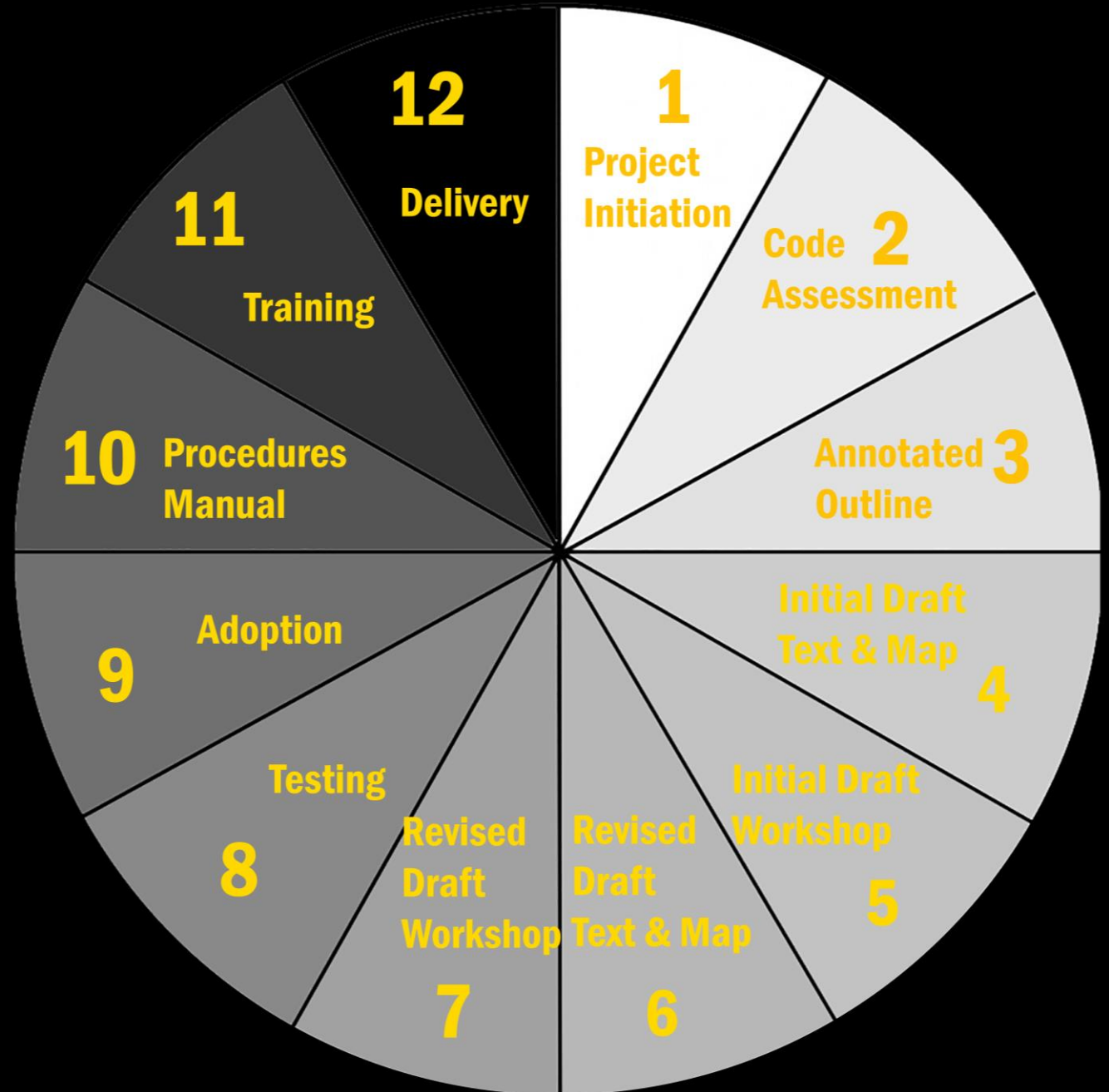
PROJECT GOALS

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





RE-NEW BERN

LAND USE ORDINANCE

Annotated Outline
Staff Draft September 2024

- 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

Body Text 1

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§1001 HEADING 2

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1001.1 HEADING 3

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A. HEADING 4

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I. HEADING 5

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01 HEADING 6

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i. Heading 7

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1001.2 List 3

A. List 4

I. List 5

01 List 6

i. List 7

The following two pages provide a summary of the text, language, and punctuation conventions to be used in the new LDO.

UNIFIED DEVELOPMENT ORDINANCE CONVENTIONS	
TOPIC GROUP	CONVENTION
Document Numbering	- Use chapter-based numbering (e.g., 1, 2, 3, etc.)
	- Main sections use three-digit numbers; Main sub-sections use three-digit with decimal numbers
	- Every sub-section, illustration, & table has its own unique number
Text Numbering	- Discontinue use of a period after each heading number
	- Use sequential page numbering – do not use chapter-based prefixes for page numbering
	- Spell out numbers one through ten (one, two, three, etc.)
Capitalization	- Use the numeric version of numbers starting at 11 (and higher)
	- This Ordinance, not 'this ordinance'
	- City, not 'city'
Hyphenation	- Board of Aldermen, Director of Development Services
	- Official Zoning Map
	- Single-Family, not 'Single-family'
Abbreviations	- (see Section 123) not (See Section 123)
	- Special Use Permit, not 'special use permit'
	- applicant, not 'Applicant'
Commas	- Single-Family
	- Multi-Family
	- Mixed-Use
Sentence Spacing	- Okay to use abbreviations and acronyms like LDO, OFI, etc.
	- Use %, not 'percent'
	- Use NCGS, not 'GS' or 'North Carolina General Statutes'
Commas	- Use §, not 'Section'
	- Use Feet, not " ' "
	- Use in., not 'Inches'
Sentence Spacing	- Use Min., not 'Minimum'
	- Use Oxford style: one, two, and three
	- Two spaces between sentences, not one space

ABOUT THIS ANNOTATED OUTLINE

This document is an Annotated Outline of New Bern's draft Land Use Ordinance (or "LUO"), which is being developed as part of the City's Re-New Bern process (www.re-newbern.com).

A Land Use Ordinance is the legal document the City uses to protect public's health, safety, and welfare with respect to the use of land and the establishment of development in City. A Land Use Ordinance establishes what kinds of land uses may be permitted in which locations, the process the City will use to consider applications for the establishment of new land uses, and how land uses/sites should be operated to protect public safety and support the City's adopted goals for its future. The Land Use Ordinance applies to land located within the City's corporate limits as well as its extra-territorial jurisdiction.

This annotated outline is an abbreviated or summary version of the proposed Land Use Ordinance. It identifies the "look and feel" of the forthcoming Land Use Ordinance document. It illustrates the proposed numbering scheme, text attributes, and page layout. It also identifies the chapter names and their sequence. It lists the main sections and sub-sections within each chapter and the appendix. In addition, it provides a brief summary of the contents of each main section and sub-section in the document.

The contents of this annotated outline will be modified and expanded during the Re-New Bern process to become the City's new Land Use Ordinance. The new Land Use Ordinance, if adopted by the Board of Aldermen, will replace the City's current development regulations found in Appendix A of the City's Code of Ordinances – (https://library.municode.com/nc/new_bern/codes/code_of_ordinances). The new Land Use Ordinance may consolidate other chapters or sections of the City's Code of Ordinances as well.

This annotated outline proposes 8 chapters that are listed in alphabetic order. Each chapter is designed to consolidate similar kinds of standards, like review procedures, zoning district requirements, use standards, and so forth. The first page of each chapter includes a table of contents of sections and sub-sections within each chapter (which is also organized in alphabetic sequence to the degree possible).

The top of almost every page of this annotated outline identifies the chapter name and number, the main section name and number, and the sub-section found on that particular page. This allows readers to quickly thumb through the document using only the page tops as navigation aids. Page numbers are included on the bottom of each page. Each page footer also bears the date that the document was last updated.

The material included in this Annotated Outline is based upon the Code Assessment, which was the end product of Task 2 of the Re-New Bern project. The Assessment may be reviewed on the project website at www.re-newbern.com.

The goals or guiding principles for Re-New Bern and the new Land Use Ordinance are as follows:

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

Questions about this annotated outline, the new Land Use Ordinance, or any part of the Re-New Bern project may be entered on the project website, or applicants may contact the Development Services Department at 252.639.7581.

TABLE OF AMENDMENTS

Below is a sample table showing a possible method for the City to record amendments to the Land Use Ordinance text following adoption. The table lists amending ordinance numbers and adoption dates. It also provides a short description of each amendment. This table, if included, is updated as part of any proposed Land Use Ordinance text amendment. In addition to this table, amended sections of the Land Use Ordinance text are appended with an editor's note indicating the date the section was amended and the applicable ordinance number. The City should also make historical text amendment ordinances available for public review so readers can easily see how the Land Use Ordinance language has evolved over time. One other important aspect is the "last updated" date at the bottom of each page. This is the control method the City and applicants can use to ensure they are using the latest version of the Land Use Ordinance.

LAND USE ORDINANCE AMENDMENT		
ORDINANCE NUMBER	ADOPTION DATE	DESCRIPTION
T 2023-00	12-20-23	A short description listing the main sections modified and an abbreviated summary of the changes Section 1.1: added language Section 3.5: section deleted Section 4.2: Some other change, etc.
T 2024-100	08-01-24	Another description and summary from a subsequent round of text amendments

CHAPTER I. ADMINISTRATION

§101 Applicability.....	8
§102 Authority.....	8
§103 Conflict.....	8
§104 Consistency with Adopted Policy Guidance.....	10
§105 Document Title.....	10
§106 Effective Date.....	10
§107 Procedures Manual.....	10
§108 Purpose and Intent of Ordinance.....	11
§109 Review Authorities.....	11
§110 Severability.....	14
§111 Transitional Provisions.....	14
§112 Vested Rights.....	15

KEY CHANGES FROM CURRENT LUO

[placeholder]

§203 APPLICATION TYPES

This section of the Land Use Ordinance includes each of the 34 application types included in the Ordinance, and is proposed to replace numerous sections in the Zoning Ordinance and Subdivision Regulations. Each application has a standardized structure with specified review criteria. The Administrative Adjustment procedure sets out the proposed structure for discussion. While there is discussion of each of the other 33 procedures included here, completion of the other application subsections will take place during the code drafting effort.

203.1 ADMINISTRATIVE ADJUSTMENT²⁰

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards, but not density). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative Adjustments shall only be granted when the proposed development complies with all applicable requirements, including advancement of the purposes of this Ordinance as described in Section <>, Purpose and Intent of Ordinance.

B. APPLICABILITY

- Except where otherwise prohibited, an Administrative Adjustment may be requested for a modification or deviation to any of the following:
 - A zoning district dimensional standard in Chapter 3, Districts;
 - A numeric use-specific standard in Chapter 4, Land Uses; and
 - A numeric requirement in Chapter 6, Standards.
- In no instance shall an Administrative Adjustment application seek to reduce any of the following:
 - The maximum allowable residential density on a lot;
 - The minimum required separation distance between two use types;
 - The requirements specified in a transportation impact analysis;
 - Reductions to the standards pertaining to flood damage prevention, water supply watershed protection, or riparian buffer protection; or
 - Reductions to required infrastructure standards, including streets, potable water, or wastewater system requirements.
- Applications seeking a Variance shall not also be subject to a simultaneous Administrative Adjustment application.

C. AMOUNT OF ADJUSTMENT

An Administrative Adjustment may allow a deviation from a numeric standard in this Ordinance in accordance with the amount specified in Table <>, Maximum Adjustment Amount.

Figure <>: Administrative Adjustment Procedure	
Step	Action
1	Pre-Application Conference (optional)
2	File Application (may be filed alone or with another application)
3	Completeness Determination (optional)
4	Staff Review
5	Decision by Review Authority (if submitted with another application, decision on than administrative adjust is rendered first)
6	Written Notice of Decision
7	Review of Associated Applications (if applicable)

TABLE <>: MAXIMUM ADJUSTMENT AMOUNT	
Location of Type of Development	Maximum Permitted Amount of Administrative Adjustment
New development or redevelopment within a historic zoning district	15%
Redevelopment within all zoning districts except a historic zoning district	15%

²⁰ This replaces 15-366 and 15-343. This sub-section provides the full text of the proposed procedure as it would look in the Land Use Ordinance to enable reviewers to better understand the proposed uniform structure of each application procedure.



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

§201 CHAPTER INTRODUCTION

This new section outlines how the Applications Chapter is organized into a summary table, a set of 34 different application types, and a set of basic or standardized review procedures the City will follow when processing applications. It also explains the uniform structure of each application section and provides a key to the symbols and colors in each application's procedural flow chart.

201.1 CHAPTER ORGANIZATION

Sets forth the organization of the chapter

§202 APPLICATION SUMMARY TABLE

202.1 DEVELOPMENT APPLICATIONS

The Application Summary Table identifies the type of development applications, review authorities for each application type, which addresses comments from the interviews held in February 2024, a cross-reference to the relevant Land Use Ordinance section, and whether a pre-application conference is required or optional. This table clarifies who hears appeals of certain decisions and indicates which decisions follow the legislative or evidentiary hearing process.

TABLE <>: APPLICATION SUMMARY TABLE													
TYPE OF ACTION: C = COMMENT; R = RECOMMENDATION; D = DECISION; A = APPEAL; * = NOT APPLICABLE													
PRE-APPLICATION CONFERENCE: M = MANDATORY; O = OPTIONAL; N/A = NOT APPLICABLE													
TYPE OF PUBLIC HEARING: () = LEGISLATIVE; | | = EVIDENTIARY													
[#] = TABLE NOTES (INCLUDED AT BOTTOM OF TABLE)													
APPLICATION TYPE	LUO SECTION	PRE-APP. CONFERENCE	REVIEW AUTHORITIES [1]										SUPERIOR COURT
			TECH. REVIEW COMMITTEE	CHIEF BUILDING INSPECTOR	STORMWATER SUPERINTENDENT	HPC ADMINISTRATOR	DIRECTOR OF PUBLIC WORKS	DIR. OF DEV. SERVICES	PLANNING BOARD	HISTORIC PRES. COMMISSION	BOARD OF ALDERMEN	BOARD OF ADJUSTMENT	
Administrative Adjustment	↔	O	.	D [2]	D [3]	.	D [4]	D [5]	.	.	.	|A|	.
Annexation ¹⁵	↔	O	C	.	.	.	.	R	.	.	(D)	.	A
Appeal	↔	O	.	.	.	.	.	.	.	.	.	|D|	A
Building Permit	↔	O	.	D	.	C [6]	.	.	.	.	.	[7]	.
Certificate of Occupancy [8]	↔	O	.	D	.	.	.	.	.	.	.	[7]	.
Conditional Rezoning [9]	↔	M	R	.	.	.	.	.	R	.	(D)	.	A
Conservation Subdivision [10]	↔	M	C	.	.	.	.	D	.	.	.	|A|	.
Construction Drawings	↔	O	R	.	.	.	D	.	.	.	.	|A|	.
Conventional Rezoning	↔	O	.	.	.	.	.	C	R	.	(D)	.	A

¹⁵ NOTE TO STAFF: Please advise if this application type will or will not be included in the table. See Steering Committee Meeting #2 meeting notes.



TABLE <>: APPLICATION SUMMARY TABLE

TYPE OF ACTION: C = COMMENT; R = RECOMMENDATION; D = DECISION; A = APPEAL; * = NOT APPLICABLE
PRE-APPLICATION CONFERENCE: M = MANDATORY; O = OPTIONAL; N/A = NOT APPLICABLE
TYPE OF PUBLIC HEARING: () = LEGISLATIVE; | | = EVIDENTIARY
[#] = TABLE NOTES (INCLUDED AT BOTTOM OF TABLE)

APPLICATION TYPE	LUO SECTION	PRE-APP. CONFERENCE	REVIEW AUTHORITIES [1]										SUPERIOR COURT
			TECH. REVIEW COMMITTEE	CHIEF BUILDING INSPECTOR	STORMWATER SUPERINTENDENT	HPC ADMINISTRATOR	DIRECTOR OF PUBLIC WORKS	DIR. OF DEV. SERVICES	PLANNING BOARD	HISTORIC PRES. COMMISSION	BOARD OF ALDERMEN	BOARD OF ADJUSTMENT	
Determination	<>	O	.	.	D [11]	.	D [12]	D [13]	.	.	.	|A|	.
Development Agreement	<>	M	C	.	.	.	.	R	R	.	(D)	.	A
Driveway Permit	<>	N/A	.	.	.	.	D [14]	.	.	.	.	|A|	.
Exempt Subdivision	<>	O	.	.	.	.	.	D	.	.	.	|A|	.
Fee-in-Lieu [15]	<>	N/A	C	.	.	.	.	D	.	.	.	|A|	.
Final Plat	<>	N/A	C	.	.	.	.	D	.	.	.	|A|	.
Floodplain Permit	<>	O	.	D	.	.	.	.	.	.	.	|A|	.
Land Disturbance Permit	<>	M	.	.	.	.	D	.	.	.	.	|A|	.
Limited Subdivision	<>	O	.	.	.	.	.	D	.	.	.	|A|	.
Major Certificate of Appropriateness ¹⁶	<>	M	C	.	.	R	.	.	.	|D|	.	.	A
Minor Certificate of Appropriateness	<>	O	.	.	.	D	.	.	.	.	.	|A|	.
Performance Guarantee [16]	<>	N/A	.	.	D	.	D	D	.	.	.	|A|	.
Preliminary Plat	<>	M	R	.	.	.	.	D	.	.	.	|A|	.
Sign Permit	<>	O	.	.	.	.	.	D	.	.	.	|A|	.
Site Plan	<>	M	R	.	.	.	.	D	.	.	.	|A|	.
Special Use Permit [18]	<>	M	C	.	.	.	.	.	.	.	|D|	.	A
Stormwater Permit ¹⁷	<>	O	.	.	D	.	.	.	.	.	.	|A|	.
Street Closure	<>	O	.	.	.	.	C	R	.	.	(D)	.	A

¹⁶ Replaces Section 15-32 by moving appeals to the Superior Court for Craven County.
¹⁷ NOTE TO STAFF: Unclear if the City is issuing these or if this is a State function.

TABLE <>: APPLICATION SUMMARY TABLE

TYPE OF ACTION: C = COMMENT; R = RECOMMENDATION; D = DECISION; A = APPEAL; * = NOT APPLICABLE
PRE-APPLICATION CONFERENCE: M = MANDATORY; O = OPTIONAL; N/A = NOT APPLICABLE
TYPE OF PUBLIC HEARING: () = LEGISLATIVE; | | = EVIDENTIARY
[#] = TABLE NOTES (INCLUDED AT BOTTOM OF TABLE)

APPLICATION TYPE	LUO SECTION	PRE-APP. CONFERENCE	REVIEW AUTHORITIES [1]										SUPERIOR COURT
			TECH. REVIEW COMMITTEE	CHIEF BUILDING INSPECTOR	STORMWATER SUPERINTENDENT	HPC ADMINISTRATOR	DIRECTOR OF PUBLIC WORKS	DIR. OF DEV. SERVICES	PLANNING BOARD	HISTORIC PRES. COMMISSION	BOARD OF ALDERMEN	BOARD OF ADJUSTMENT	
Street Renaming	<>	O	.	.	.	.	.	R	.	.	D	|A|	.
Temporary Use Permit	<>	O	.	.	.	.	.	D	.	.	.	|A|	.
Text Amendment	<>	N/A	.	.	.	.	.	C	R	.	(D)	.	A
Transportation Impact Analysis	<>	M	C	.	.	.	.	D	.	.	.	|A|	.
Variance [19] ¹⁸	<>	O	.	.	.	.	.	.	.	.	.	|D|	A
Vested Rights Certificate	<>	O	.	.	.	.	.	C	.	.	|D|	A	.
Zoning Compliance Permit ¹⁹	<>	O	.	.	.	.	.	D	.	.	.	|A|	.

NOTES:

- [1] Decision-making authority may be delegated in accordance with Section <>, Delegation of Authority.
- [2] The Chief Building Inspector decides administrative adjustment requests related to flood damage prevention.
- [3] The Stormwater Administrator decides administrative adjustment requests related to stormwater.
- [4] The Director of Public Works decides administrative adjustment requests related to infrastructure and erosion control.
- [5] The Director of Development Services decides all administrative adjustment requests not decided by another review authority.
- [6] The HPC Administrator reviews building permits in the Historic District.
- [7] Appeals of decisions on non-residential, mixed-use, and multi-family development are filed with the North Carolina Commissioner of Insurance; appeals of decisions on residential development are made to the Residential Building Code Council.
- [8] Includes temporary certificates of occupancy.
- [9] In cases where a conditional rezoning application includes a concept plan, the TRC shall review the plan prior to consideration by the Planning and Zoning Board. In cases where a concept plan is approved by Board of Aldermen, the applicant shall still be required to submit a site plan application to be reviewed by the TRC.
- [10] Approval of a conservation subdivision requires subsequent approval of preliminary and final plat applications.
- [11] The Director of Public Works shall make determinations on matters pertaining to erosion control and infrastructure requirements.
- [12] The Stormwater Superintendent shall make determinations on matters pertaining to stormwater.
- [13] The Director of Development Services shall make determinations on all matters except stormwater, erosion control, and infrastructure.
- [14] NCDOT decides driveway permits for driveways accessing State-owned or maintained roadways.

¹⁸ NOTE TO STAFF: This will include flood damage prevention ordinance variances. Stormwater may or may not be included based on feedback from stormwater staff.

¹⁹ NOTE TO STAFF: This permit will be issued for all applications, even as a part of a site plan. Changes of use permits will now be issued as a Zoning Compliance Permit.

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

§301 CHAPTER INTRODUCTION

301.1 CHAPTER ORGANIZATION

This section sets out the sequence of sections and sub-sections in the Chapter and explains how each works with the others. It explains how the information in the conventional and conditional zoning district sub-sections is organized.

301.2 DISTRICTS DISTINGUISHED

This section describes the relationships and differences between conventional districts, conditional districts (including the different types) and overlay districts. It also clarifies that all land within the City's planning jurisdiction is assigned at least one zoning district.

301.3 DISTRICTS ESTABLISHED

- A.** This section replaces Article IX, Part 1 Zoning Districts, and establishes the zoning districts with several notable changes, including 1) consolidations; 2) new names and abbreviations; 3) deletion of districts; 4) creation of a mixed-use district; 5) conversion of overlay to base zoning districts; and 6) an overall reduction of overlay districts to address numerous comments received as part of the stakeholder outreach regarding the complexity and counter-productiveness of currently overlay districts.
- B.** Specifically, Table <>, Zoning District Translation Table sets out the conventional, conditional, and overlay zoning districts established by this Ordinance in alphabetical order. This section also establishes that land zoned with a zoning district classification from the previous Land Use Ordinance is translated or reclassified to one of the zoning districts set forth in this Ordinance, and the Zoning District Translation Table summarizes this translation. For example, the table shows that all lands classified as A-5F Agriculture Forestry in the previous Land Use Ordinance under the column named "Former Zoning Districts" are now classified AGR, Agriculture, in this Ordinance as shown under the column titled "Current Zoning District."

TABLE <>: ZONING DISTRICT TRANSLATION TABLE

FORMER ZONING DISTRICT (FROM PRIOR LUO)		CURRENT ZONING DISTRICT	
CONVENTIONAL ZONING DISTRICTS (IN ALPHABETICAL ORDER)			
A-5	Agriculture	AGR	Agriculture
A-5F	Agriculture Forestry	(DELETE)	[1]
C-2	Commercial Waterfront	(DELETE)	[1]
C-3	Commercial	CHI	Commercial, High Intensity
C-3H	Commercial Height	CLI	Commercial, Low Intensity
C-4	Neighborhood Business	HSTR	Historic Residential [2]
C-1	Central Business District	HSTN	Historic Nonresidential [2]
I-2	Industrial	INH	Industrial, Heavy
I-1	Industrial	INL	Industrial, Light
(NEW)		MXD	Mixed-Use [3]
C-5	Office & Institutional	OFI	Office & Institutional
C-5A	Office & Institutional (historic) ³⁴		
C-6	Professional Office	RDV	Redevelopment [4]
(NEW)			
R-10A	Residential	RHD	Residential, High Density
R-8	Residential		
R-6	Residential		

³⁴ NOTE TO STAFF: Should this district be aggregated with the C-1 district?

Key Zoning 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, not standards
District consolidations	<ol style="list-style-type: none"> 1. Joining A-5 & A-5F into a single Agriculture district 2. Joining C-3 and C-3H into a single High Intensity Commercial district 3. Joining C-5, C-5A, and C-6 into a single Office & Institutional district 4. Joining R-10A, R-8, and R-6 into a single High Density Residential district 5. Joining R-10 and R-10S into a single Medium Density Residential district
District conversions	<ol style="list-style-type: none"> 1. Converting C-1 Central Business District and the current Local Historic Overlay District into a new Historic Base District (comprised of Historic Residential & Historic Nonresidential sub-districts) 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) 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) 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)
District Abolitions	<ol style="list-style-type: none"> 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') 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 3. Abolishing the Freeway Sign Corridor Overlay District (15-334 - it allows an additional freestanding sign to be permitted with approval of an SUP) 4. Abolishing the Recreational/Sport Hunting District
Conditional Districts	<ul style="list-style-type: none"> • Removing PUD development option in favor of conditional zoning procedure (current PUDs may continue in accordance with their prior approvals) • Limited: May reduce range of allowable uses or apply conditions that are more restrictive • Unlimited: May request waivers or deviations (in addition to standards that are more restrictive) • Unlimited requests are expected to demonstrate increased quality beyond that resulting from a strict application of the standards



CH. 4 LAND USES

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

TABLE <>: LISTING OF COMMON PRINCIPAL USES ⁴⁰

P = Permitted, subject to a Zoning Permit & applicable use standards
 S = Permitted, subject to a Special Use Permit & applicable use standards
 C = Permitted within a conditional zoning district, subject to applicable use standards
 "*" = Prohibited
 [#] = Table note (see end of table)

USE CLASSIFICATION	RESIDENTIAL											MIXED-USE			NON-RESIDENTIAL						USE STDS.
	AGR	RUR	RLD	RMD	RHD	HSTR	HSTN	MXU	RDV	OFI	CLI	CHI	INL	INH	CZDL	CZDU					
Current Districts & Uses (in yellow rows)	A-5 A-5F	R-20	R-15	R-10 R-10S	R-10A R-8 R-6	New	C-1	New	New	C-5 C-5A C-6	C-4	C-3 C-3H	I-1 I-2	New	New						
AGRICULTURAL USE CLASSIFICATION																					
AGRICULTURAL PRODUCTION																					
Agricultural Packaging & Processing	P	.	.	.	.	.	.	.	.	.	.	.	.	.	C	C	◊
Agricultural Storage & Distribution	P	.	.	.	.	.	.	.	.	.	.	.	.	.	C	C	◊
Agriculture ⁴¹	P	.	.	.	.	.	.	.	.	.	.	.	.	.	C	C	◊
Agricultural operations, farming (excluding livestock)	Z	Z																			
Agricultural operations, farming (excluding livestock)	Z	S																			
Aquiculture ⁴²	P	.	.	.	.	.	.	.	.	.	.	.	.	.	C	C	◊
Horticulture	P	P	.	.	.	.	.	.	.	.	.	.	.	.	C	C	◊
Plant Nursery (retail or wholesale)	P	P	.	.	.	.	.	.	.	.	P	P	.	.	C	C	◊
Commercial greenhouse – no on-premise sales	Z	Z									S	Z	Z	Z							
Commercial greenhouse – on premise sales	Z	Z									S	Z	Z	Z							

⁴⁰ NOTE TO STAFF: The current and proposed zoning districts are based on the Zoning District Translation Table reviewed and revised based by City staff comments in July 2024. The R-6S and R-8S zoning district are not included as current districts based on that feedback.
⁴¹ NOTE TO STAFF: Forestry activities not included since exempt if part of bona fide farm approved in accordance with NCGS§160D-921.
⁴² NOTE TO STAFF: The permitted zoning districts may be modified once draft zoning map is created since this use is typically adjacent to bodies of water.

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**



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

§803 TERMS DEFINED

This section sets out the definitions of terms used in the Land Use Ordinance, including all use types, all procedures, all review authorities, and terms common to development standards and use standards. The section will include notes that some definitions, like those associated with signs, lot dimensions, or flood protection standards are located elsewhere in the Ordinance.

TABLE <>: TERMS DEFINED⁷⁴

TERM	DEFINITIONS
A	
ADULT DAY CARE	A program operated in a structure other than a single-family dwelling that provides group care and supervision on a less than 24-hour basis, and in a place other than their usual place of residence, to adults 18 years or older who may be physically or mentally disabled, and which is certified or approved to operate by the State of North Carolina.
AIRPORT	Any area of land or water designated and set aside for the landing or taking-off of aircraft, the discharge or receiving of cargoes and/or passengers, or the repair, fueling or storage of aircraft.
AGRICULTURAL PACKAGING AND PROCESSING	A commercial establishment engaged in the preparation, processing, and packaging of agricultural products.
AGRICULTURAL STORAGE AND DISTRIBUTION	Commercial establishments devoted to the assembly, storage, and shipment of produce and agricultural products. Such uses do not include farms or places of production.
AGRICULTURE	A commercial establishment engaged in farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products for trade or re-sale.
ANIMAL HUSBANDRY	The commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock. Examples include, but are not limited to, the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, fish, and similar livestock or domesticated animals, and equestrian facilities. Concentrated animal feeding operations (CAFOs) are industrial uses. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.
ANIMAL SHELTER	A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.
AQUICULTURAL	A commercial establishment engaged in the controlled cultivation of aquatic animals or plants for food. Examples include, but are not limited to, finfish, crustaceans, shellfish, plants, algae, and bacteria.
ARBORETUM OR FORMAL GARDEN	A place where trees, shrubs, or other woody plants are grown, exhibited or labeled for scientific, educational, or passive recreational purposes, not including the harvest of plants or their produce.

⁷⁴ NOTE TO STAFF: Definitions for the land uses are included to assist in the review of the document. This table only includes the terms for the proposed uses the Listing of Common Principal Uses Table. No other terms are included.



DISCUSSION



RE-NEW BERN LAND USE ORDINANCE

Annotated Outline
Staff Draft September 2024





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

