

NEW BERN LAND USE ORDINANCE

Code Assessment Public Forum

8.14.24



OVERVIEW

1. Project Team
2. LUO 101
3. Re-New Bern
4. Code Assessment
5. Next Steps



TEAM



Chad Meadows
Project Manager
Lead Drafter
Illustrator



Courtney Tanner
Code Drafter



Andrew Ausel
Engagement
Drafting Assistant



Hunter Freeman
McAdams
Stormwater
Sustainability



Eddie Moore
McAdams
Testing

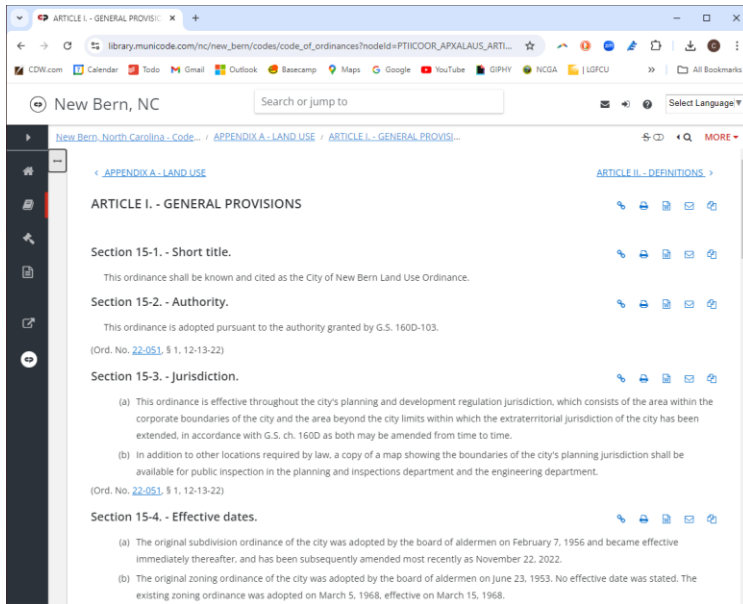


Kimberly Whaley
TideWater Assoc.
Mapping



LUO 101

Land Use Ordinance ("LUO")



- The regulatory document that controls what kinds of land uses can go in what locations
- The process the City uses to consider development applications
- The rules for the operation of land uses in the City



LUO 101

What is a LUO?

- **TOOL** for implementing the comprehensive plan.
- **UNIFIED** location of all development rules.
- **REGULATES:**
 - Zoning
 - Subdivision of land
 - Stormwater
 - Floodplains
 - Landscape and Screening
 - Transportation and Mobility



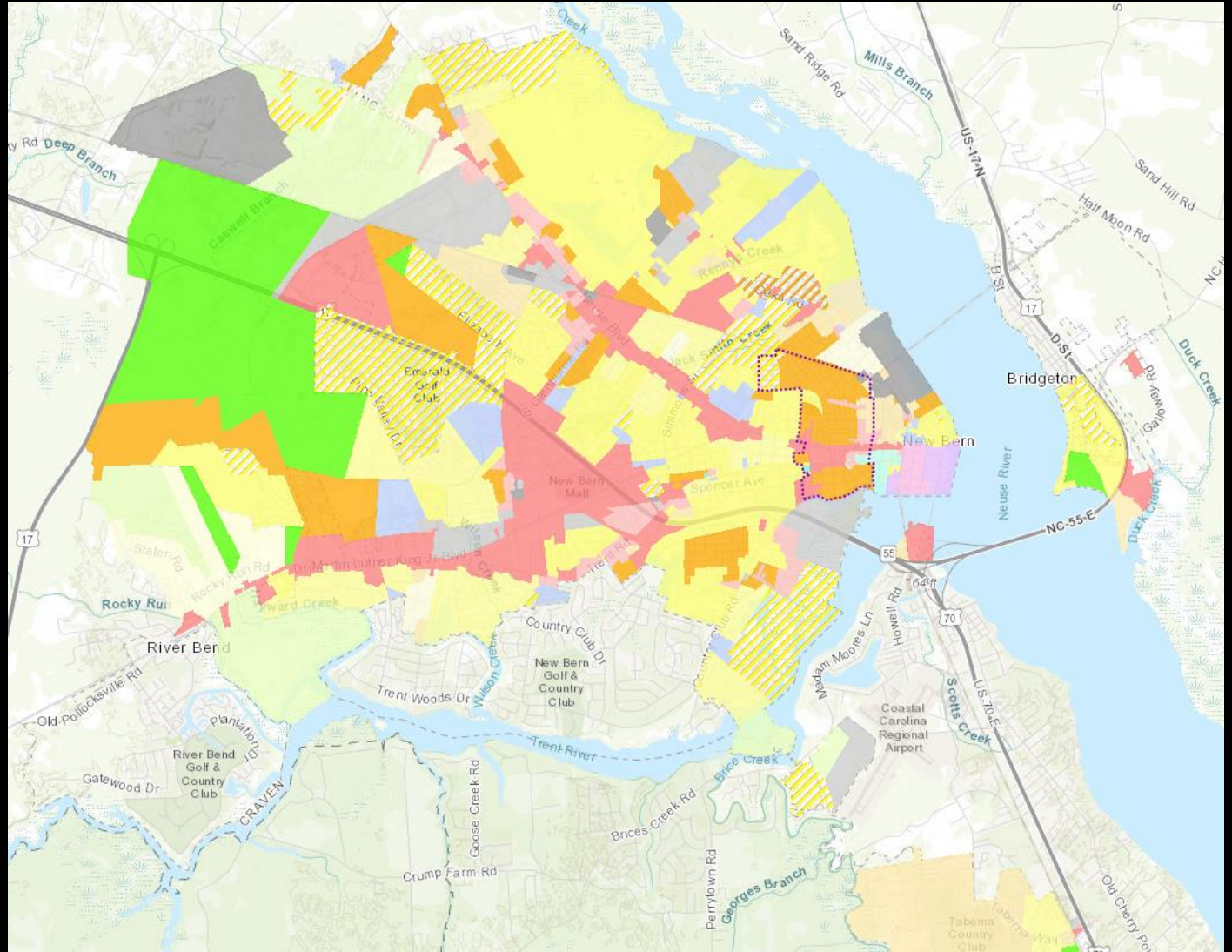
LUO 101

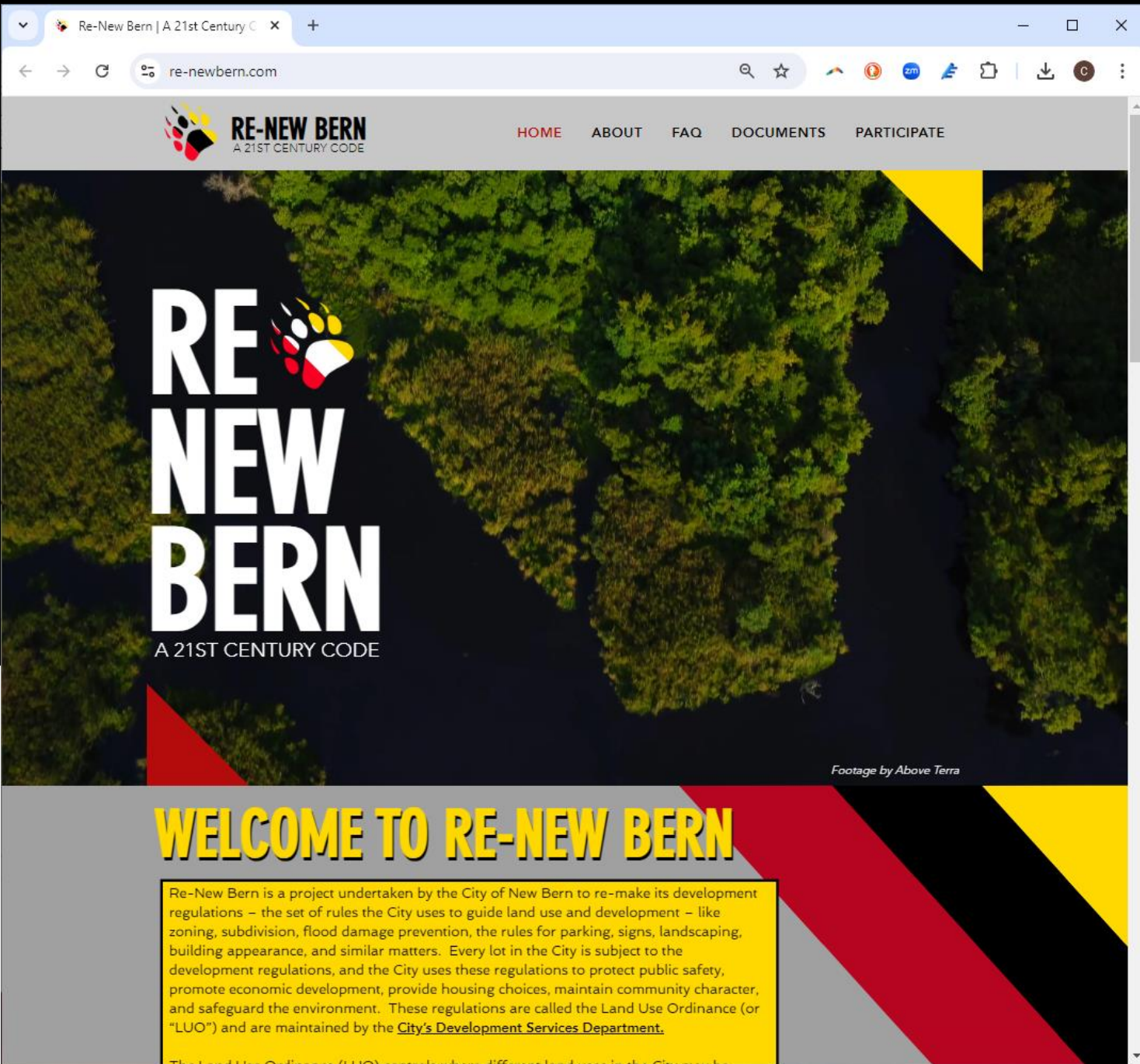
The LUO
also
includes
the
Zoning
Map

New Bern Zoning

New Bern Zoning

- A-5
- A-5F
- C-1
- C-2
- C-3
- C-4
- C-5
- C-5A
- C-6
- I-1
- I-2
- R-10
- R-10A
- R-10S
- R-15
- R-20
- R-6
- R-6S
- R-8





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

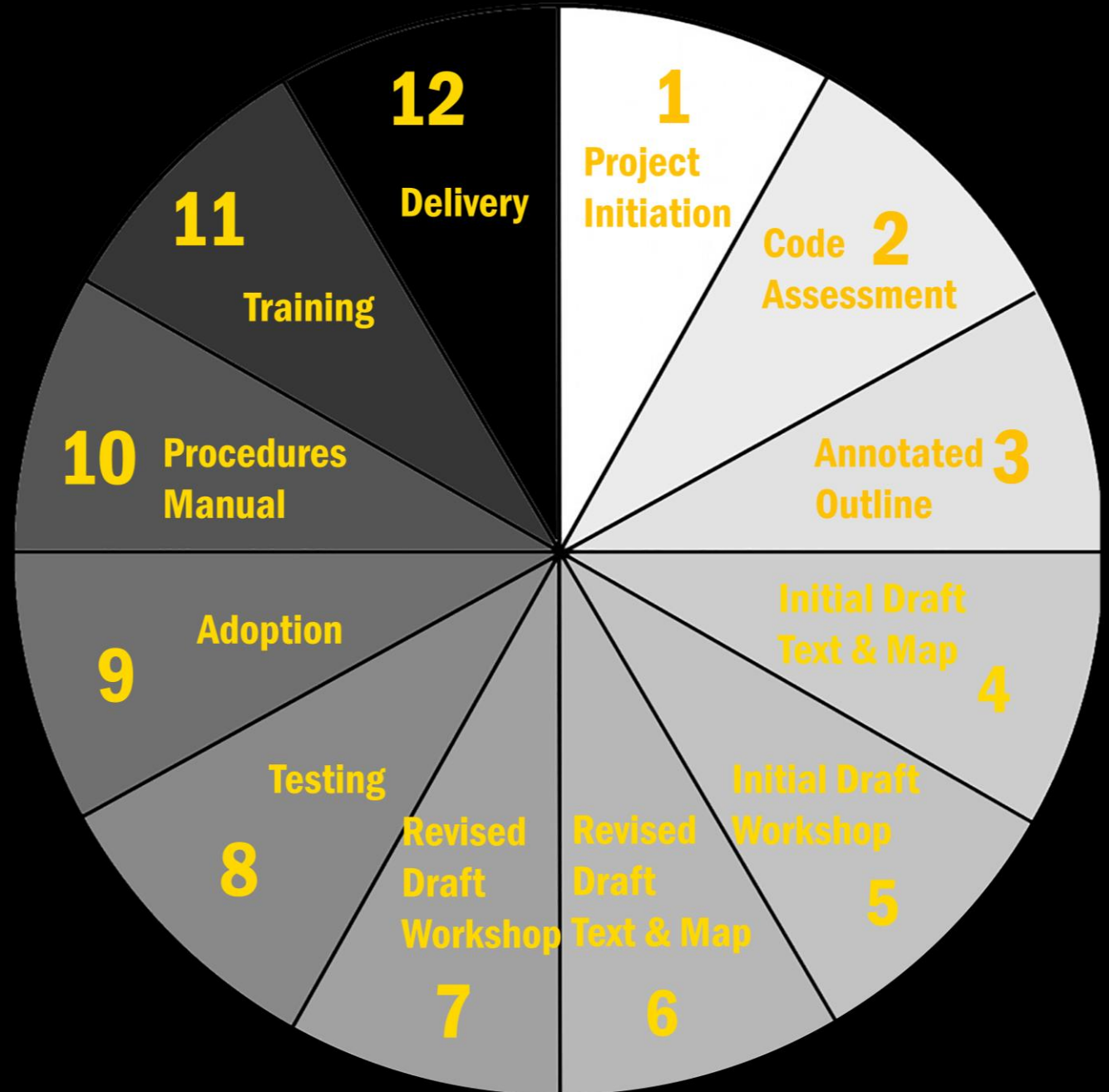
PROJECT GOALS

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



WORK PROGRAM

- 24 months
- 13 trips
- 12 tasks
- 7 Committee Meetings
- 4 public forums



CODE ASSESSMENT

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



1. MAKE THE REGULATIONS MORE USER FRIENDLY

Dynamic Headers

CHAPTER 5: DEVELOPMENT STANDARDS
Section 5.3: Building and Site Design Standards
Subsection: 5.3.6: Nonresidential and Mixed-Use Development
(11) Large-Scale Development

(ii) **Minimum Building Height**

In cases where any off-street surface parking is located between the primary building façade and the street it fronts, the minimum building height shall be at least three stories.

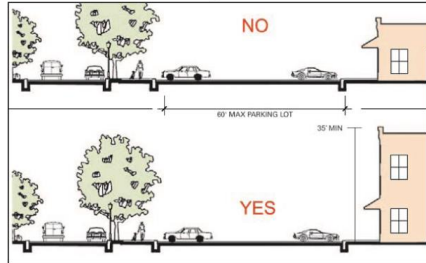


Figure 5-47: This image depicts how buildings in conventional areas may locate off-street parking in the area between the building's façade and the street it fronts, provided the building is three stories in height or greater.

Figure Captions

White Space

(11) **Large-Scale Development**

Developments composed of one or more structures engaged in retail or wholesale sales each exceeding 20,000 square feet, or developments with a single large commercial establishment exceeding 20,000 square feet and one or more smaller additional structures shall comply with the standards in this subsection as well as the following:

(a) **Liner Buildings**

- (i) A series of smaller "liner buildings" shall be positioned along the primary façade of the large structure to break up the structure's mass.
- (ii) As an alternative to liner buildings, the primary façade of a large-scale development structure can be designed to appear as multiple small storefronts, except that individual doorways shall not be required.

Nested Text with headings and sub-headings



Figure 5-48: The mass of large-scale development can be made more human-scaled and pedestrian-friendly through the use of techniques like liner buildings or architecture replicating liner buildings as depicted here.

Illustrations of text provisions

Footers

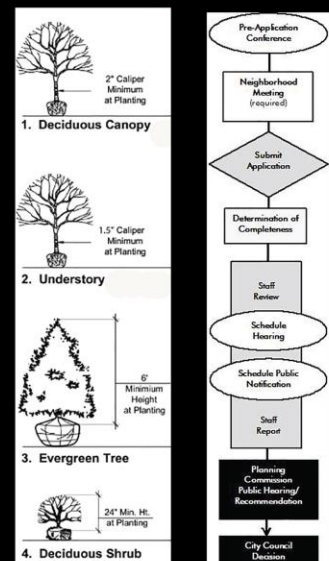


2. ENHANCE GRAPHIC COMMUNICATION

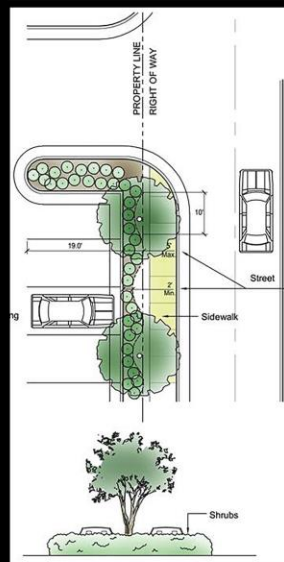
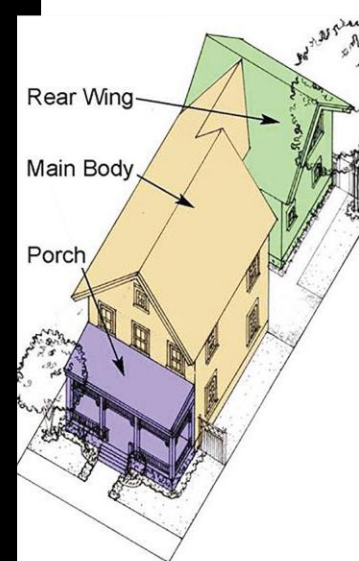
Alternatives



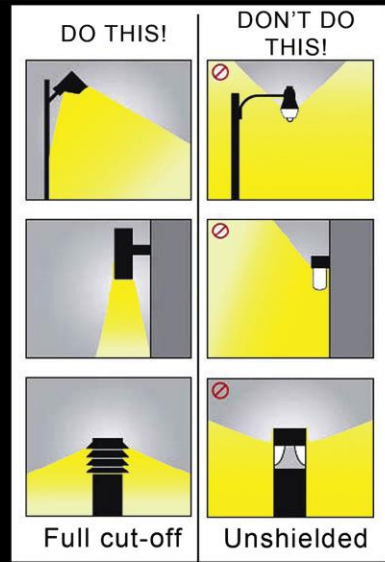
Line Drawing
Flow Chart



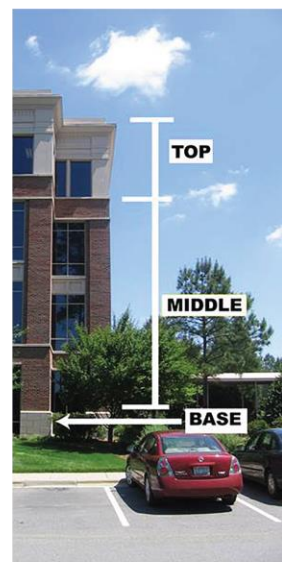
Axonometric



Diagram



Comparison



Annotated Photograph



3. ENSURE EFFICIENT AND PREDICTABLE DEVELOPMENT REVIEW

TYPE III PROCESS	
Step	Description
1	Pre-application Conference Mandatory unless otherwise noted
2	Neighborhood Meeting Required for Special Use Permits & Variances
3	File Application Go to www._____.com to file
4	Completeness Review Applicant notified of deficiencies (if any)
5	Staff Review Completed for Vested Rights and Special Uses
6	Public Hearing Scheduled
7	Public Notice Provided May be mailed, published, or posted
8	Board of Adjustment Decision Following an evidentiary public hearing
9	Written Notice of Decision
	Appeal Decision To Johnston County Superior Court

TYPE IV PROCESS	
Step	Description
1	Pre-application Conference Mandatory unless otherwise noted
2	Neighborhood Meeting Mandatory unless otherwise noted
3	File Application Go to www._____.com to file
4	Completeness Review Applicant notified of deficiencies (if any)
5	Staff Review & Comment Including concept plans for conditional rezoning
6	Planning Board Recommendation Unless otherwise noted
7	Public Hearing Scheduled
8	Public Notice Provided May be mailed, published, or posted
9	Town Council Decision Following a legislative public hearing
10	Written Notice of Decision
	Appeal Decision To Johnston County Superior Court



4. ADD INCENTIVES & FLEXIBILITY

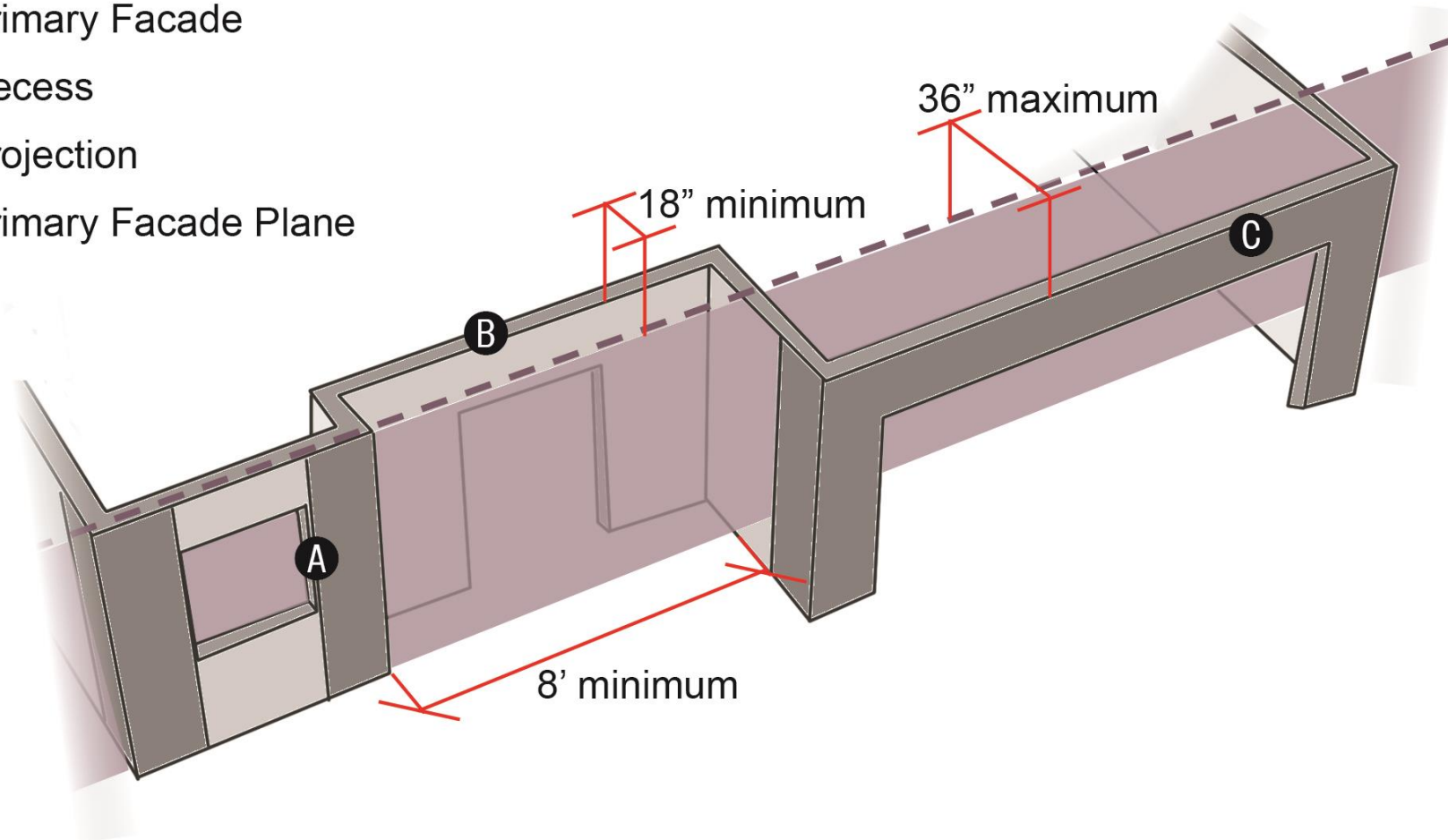
LEGEND

A Primary Facade

B Recess

C Projection

Primary Facade Plane



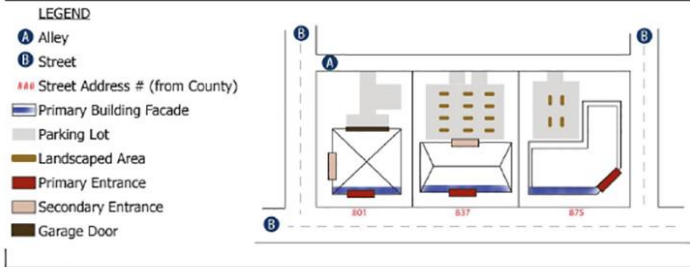
5. RAISE THE BAR FOR DEVELOPMENT & DESIGN QUALITY

CHAPTER 7: STANDARDS
SECTION 7.1: DESIGN STANDARDS AND GUIDELINES

9: PRIMARY ENTRANCE

- a: The primary building façade and primary building entrance of a single-building development shall face the right-of-way from which the building derives its street address (see Figure 7.1.2:E:4: Primary Entrance Characteristics).
- b: Corner entries are permitted on buildings on corner lots.
- c: Nothing shall prohibit a secondary building entrance from facing a parking lot or other portion of the site.
- d: A primary entrance shall either project from or be recessed into the primary façade wall plane.

FIGURE 7.1.2:E:4: PRIMARY ENTRANCE CHARACTERISTICS



10: GARAGES

Garage doors in non-residential buildings shall not face any existing or proposed street but may face an alley.

11: FAÇADE DESIGN

Building façades on lots in the TC or MM districts that face streets (except alleys) shall be configured in accordance with Table 7.1.2:E:6: Façade Design, and Figure 7.1.2:E:6: Façade Design:

TABLE 7.1.2:E:6: FAÇADE DESIGN		
REQUIRED ARCHITECTURAL FEATURE	TOWN CENTER (TC) DISTRICT	MOUNTAINSIDE MIXED USE (MM) DISTRICT
Building Offsets, Alcoves, or Niches [1]	Provided every 40 feet of façade length	Provided every 30 feet of façade length
Permanent Awnings or Canopies	Required above at least 75% of doors along façade, including the primary entrance	Required above at least 75% of doors and windows along façade, including the primary entrance
Minimum Number of Required Exterior Building Materials	Three	Three
Pilasters, Arbors, and Timber Framing	Optional, but encouraged	Optional, but encouraged

NOTES:

CHAPTER 7: STANDARDS
SECTION 7.1: DESIGN STANDARDS AND GUIDELINES

TABLE 7.1.2:E:6: FAÇADE DESIGN

REQUIRED ARCHITECTURAL FEATURE	TOWN CENTER (TC) DISTRICT	MOUNTAINSIDE MIXED USE (MM) DISTRICT
[1] Buildings with façades of 100 linear feet or more shall be configured to appear as a series of three or more individual storefronts, each with a minimum width of 20 linear feet. Nothing shall require the inclusion of a doorway within each storefront, though one may be provided.		

FIGURE 7.1.2:E:6: FAÇADE DESIGN



6. PROMOTE SUSTAINABLE DEVELOPMENT PATTERNS



7. PROVIDE MORE HOUSING OPTIONS

Pocket Neighborhood



Live/Work Unit



Mansion Apartment



Bungalow Court



8. MODERNIZE THE USES AND ZONING MAP

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		
C-2	Commercial Waterfront	(DELETE) [1]	
C-3	Commercial	CHI	Commercial, High Intensity
C-3H	Commercial Height		
C-4	Neighborhood Business	CLI	Commercial, Low Intensity
C-1	Central Business District	HSTR	Historic Residential [2]
		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) ⁵		
C-6	Professional Office		
(NEW)		RDV	Redevelopment [4]
R-10A	Residential	RHD	Residential, High Density
R-8	Residential		
R-6	Residential		
R-15	Residential	RLD	Residential, Low Density
R-10	Residential	RMD	Residential, Medium Density
R-10S	Residential		
R-20	Rural Residential	RUR	Residential, Rural
CONDITIONAL ZONING DISTRICTS (IN ALPHABETICAL ORDER)			
(NEW)		CZDL	Conditional Zoning District, Limited
(NEW)		CZDU	Conditional Zoning District, Unlimited
OVERLAY ZONING DISTRICTS (IN ALPHABETICAL ORDER)			
	Commercial Entranceway Corridor	(DELETE) [5]	
(NEW)		FDPO	Flood Damage Prevention Overlay
	Greater Five Points Redevelopment Overlay	(DELETE) [4]	
	Local Historic District	(CONVERT TO NEW BASE DISTRICT) [2]	
	Neighborhood Conservation Overlays	NOCO	Neighborhood Conservation Overlay [6]
	New Bern Waterfront Overlay	(DELETE) [2]	
	Recreational/Sport Hunting Overlay	(DELETE)	
	Riverstation Mixed-Use Overlay	(DELETE) [3]	

NOTES:





NEXT STEPS

- **Task 3: Annotated Outline**– A “dress rehearsal” for the new LUO
 - **Structure, Page Layout, Section Descriptions**
 - **1st Draft of Zoning Map**

- **Check the webpage to learn more**



THANK YOU FOR JOINING US!

RE-NEW BERN
A 21ST CENTURY CODE

HOME ABOUT FAQ DOCUMENTS PARTICIPATE

RE-NEW BERN

A 21ST CENTURY CODE

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WELCOME TO RE-NEW BERN

Re-New Bern is a project undertaken by the City of New Bern to re-make its development regulations – the set of rules the City uses to guide land use and development – like zoning, subdivision, flood damage prevention, the rules for parking, signs, landscaping, building appearance, and similar matters. Every lot in the City is subject to the development regulations, and the City uses these regulations to protect public safety, promote economic development, provide housing choices, maintain community character, and safeguard the environment. These regulations are called the Land Use Ordinance (or "L.U.O.") and are maintained by the City's Development Services Department.

