

# Brunswick County Unified Development Ordinance

## PROPOSED REFINEMENTS

(DRAFT January 26, 2016)

**1. Section 3.1.6.** Pre-Application Conference: **Change** to “Project Planning Session” throughout the ordinance.

**Clarify** A. by revising to read as follows: “Prior to undertaking the project design, applicants are strongly urged to schedule a Project Planning Session with the Planning Department. At the session, the project concept is discussed in order to determine how the considerable flexibility provided in Section 6.1 of this ordinance can best be utilized to meet the needs of the project. There is no fee for the session and the discussions are consultative rather than prescriptive.”

**2. Section 3.3.3.B.** Planned Development Approval 3. Pre-Application Conference i.: **Change** reference from Section 3.2 to Section 3.1.6. **Clarify** purpose of session by changing the last sentence to read: “The Project Planning Session provides the project team (*e.g., developer, contractor, land planner, engineer, realtor, etc.*) the opportunity to discuss proposed uses, development intensity, general layout, unique site conditions, etc. on a conceptual level with County staff. In addition to Planning, other County departments attend the session to address utilities, stormwater, building code, etc. depending on the project scope. The intent is to provide an informal, non-binding exchange of information to determine the design approach that best matches the specific needs and characteristics of the project.”

**Clarify** ii. by revising to read: “Following the Project Planning Session, the applicant will prepare a Concept Plan of the entire Planned Development as outlined in Section 3.3.3.B.5.ii. The applicant, at their option, may submit a Preliminary Master Plan consisting of a preliminary site plan and preliminary utilities plan as outlined in Section 3.3.3.B.5.iii.”

**3. Section 3.3.3.B.5.ii.** Concept Plan: **Clarify** by revising to read as follows:

At minimum, the concept plan should contain the following information in schematic form:

- (a) The location and size of the area involved.
- (b) General layout of proposed development including lots, open space/natural areas, recreation areas/amenities, transportation features including access, streets, circulation, pedestrian ways, off-street parking, etc.
- (c) Proposed type, location, density and/or intensity of uses.
- (d) A tabulation of land area to be devoted to various uses and activities, as well as overall densities.
- (e) Identify proposed exceptional design, best management practice elements.
- (f) The current zoning of the surrounding properties.
- (g) Location of existing waterways and other riparian areas, heritage trees and other significant environmental features.
- (h) Reservations for public uses including schools, parks, fire and medical emergency services, and other open spaces.
- (i) The general means of the disposition of sanitary waste and storm water.

- (j) List utility providers (power, water, sewer, internet, etc.)
- (k) If a project is to be developed in phases, a general breakdown showing the various phases and the estimated schedule of construction.

## UDO Proposed Refinements (DRAFT January, 26, 2016)

page 2 of 5

**4.** Section 3.3.3.B.7. Planned Development. General provisions. **Revise** i. to add “NC Zoning District”

**5.** Section 4.3.1.D. Uses Permitted in Planned Developments

**Clarify** 1. and 2. by adding “....within a residentially zoned PD....”

**Clarify** 3. by revising to read: “Non-residential uses within residentially zoned PDs shall be designed and located to be easily accessible to residents of the development. It is expected that such uses will also serve patrons from outside the development.”

**Clarify** by adding 5. “Within non-residentially zoned PD’s, the uses shall be the same as those uses in the underlying district along with uses in the C-LD and NC districts, including residential uses.

**6.** Section 4.3.2 Density Bonus: **Add** introductory paragraph as follows: “The Density Bonus provisions in this section are available to any project (*i.e., Planned Development or Conventional*) meeting the requirements as outlined herein. Density bonuses are intended to encourage work force housing, dedication of public facilities and exceptional design in development projects.

**Revise** B. Public Facilities Density Bonus 1. Applicability, to read “This program may be utilized by projects meeting the requirements of this section. It is especially encouraged for Planned Development projects.”

**Add:** C. Exceptional Design Bonus

1. Applicability

This density bonus option may be utilized by any project employing exceptional design, best management practices and other similar methods in the design of the project as outlined in Section 6.1.

2. Bonus Program

i. A development may be granted a density bonus up to 25% for incorporating exceptional design and other similar methods as outlined in Section 6.1 into the site design of the project.

ii. The extent of the Exceptional Design density bonus shall be determined in accordance with Section 4.3.1.C.

**7.** **Revise** Maximum Height Requirements as follows:

- Maximum height up to 75 feet by right in all districts except the Conservation Protection (CP) district.
- Allow above 75 feet with Planning Board approval in all districts except CP.
- In the IG industrial district, above 75 feet allowed by right on sites minimum 100 acres in size with existing additional setback requirement and fire code requirements.
- All other existing requirements (*e.g., additional setbacks, fire code compliance, etc.*) unchanged.
- **Add** Fire Marshal approval requirement above 75 feet.

**8. Section 4.13.1.** Number of Principal Structures Allowed: **Clarify** A. by revising to read as follows: “Multiple principal residential structures may be placed on a lot in all residential zoning districts in conformance with Section 5.4.3. In non-residential districts, one principal non-residential structure is allowed on a lot; provided however, the placement of multiple principal residential, non-residential or mixed-use structures are allowed in all Planned Developments.”

## **UDO Proposed Refinements** (DRAFT January 26, 2016)

page 3 of 5

**9. Section 5.2.3.** Use Table, **Revise** as follows:

- Under ‘Residential – Zero Lot Line’ **Add** as Limited Use/Planned Development in MR-3200, C-LD and N-C;
- Under ‘Residential– Traditional’ **Add** as Limited Use/Planned Development in C-LD and N-C.
- Under ‘Residential – Semi-Attached’ **Add** as Permitted Use/Planned Development in C-LD.
- Under ‘Residential – Duplex’ **Add** as Permitted Use/Planned Development in C-LD.
- Under ‘Residential – Accessory Dwelling Units’ **Add** as Limited use in C-LD and N-C.
- Under ‘Residential’ **Add** Planned Development as a Use Grouping.

**10. Section 5.3.4.O.** Wireless Telecommunication Facility. 7. Approval Authority: **Change** from Special Use Permit to administrative approval as follows:

- i. The Planning Director shall be responsible for WTF approvals.
- ii. In determining whether a WTF is in harmony with the area, or the effects and general compatibility of a WTF with neighboring properties, the staff may consider the aesthetic effects of the WTF as well as mitigating factors concerning aesthetics. The Planning Director may disapprove an application on the grounds that the WTFs aesthetic effects are unacceptable, or may condition approval on changes in WTF height, design, style, buffers, or other features of the WTF or its surrounding area. Such changes need not result in performance identical to that of the application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of WTFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed WTF could be modified to have a less intrusive visual impact.

**11. Section 5.3.7.G.** Mining Operations Class I **Revise** to read: “1. Class I Mining Operations are limited to no more than 20 acres (including required buffer areas) of the site upon which the operations are located. As a condition of the approval, a copy of the approved State permit and accompanying documentation must be provided prior to initiating the operation.” The current requirement states “1. Class I mining operations may not occupy more than 20 acres”. This has been interpreted to mean that the property that the operation is located on cannot exceed 20 acres. This change would clarify that the **operation** is limited to 20 acres, not the **site** that it is located on.

**12. Sections 5.3.8.A.5.iii.c. and 5.3.8.C.9.iii.3.** Campgrounds and Outdoor RV Resorts, **Revise** to reduce cul-de-sac radius from 47.5’ to 35’ to be consistent with subdivision regulations.

**13. Section 5.3.8.C. Outdoor RV Resorts, *Revise*** 6. Application Requirements, to reference Planning Session and Neighborhood Meeting as follows: “The applicant will complete and submit to the Planning Department the Preliminary Master Plan compliance sheet along with an application for a Special Use Permit (see Section 3.5) following the Project Planning Session with Planning Staff and the Neighborhood Meeting (where required).”

## UDO Proposed Refinements (DRAFT January 26, 2016)

page 4 of 5

**14. Section 5.4. Accessory Structures and Uses, *Revise*** Section 5.4.1.A. and B. to tabular form for ease in understanding; and, to make minor revisions\* to setback requirements in RR as follows:

Zoning District	Yard	Setback Requirement
R-7500; R-6000; SBR-6000; MR-3200	Front	<ul style="list-style-type: none"> <li>Per Zoning District <u>and</u> behind front wall of home [1]</li> </ul>
	Side/Rear	<ul style="list-style-type: none"> <li>5' if less than 15' in height</li> <li>10' if 15' in height or greater</li> <li>Maximum building height = 35'</li> </ul>
RR	Front	<ul style="list-style-type: none"> <li>Per Zoning District</li> </ul>
	Side/Rear	<ul style="list-style-type: none"> <li><u>5'</u>* (<i>reduced from 10'</i>) if less than <u>20'</u>* (<i>increased from 15'</i>) in height</li> <li>Zoning District if 20' in height or greater</li> <li>Maximum building height = 35'</li> </ul>
NC; C-LD; C-I; RU-I; I-G; CP	Front/Side/Rear	<ul style="list-style-type: none"> <li>Per Zoning District</li> <li>Maximum building height = 50'</li> </ul>

[1] Exception in instances where designated Viewshed Protection Overlay is adjacent to a parcel. See Section 5.4.1.A. for details.

**15. Section 5.4.4 Home Occupations, *Revise*** F. to remove minimum lot size requirement of 2 acres for Home Occupation signage. The 2-acre requirement was included to prevent signage on smaller lots within developments when the provision to allow signs was first approved last March. The signs are limited to 3 square feet and must be of commercial quality in material and design. There are several other existing requirements in the ordinance that control Home Occupations.

**16. Section 6.1 Site Design. *Change*** “proven”, “innovative”, “recognized”, “accepted” and similar terms pertaining to design to “exceptional” in the Design Flexibility section and throughout the ordinance.

**17. Section 6.4.4. Open Space and Recreation Area, A. Applicability: *Clarify*** by revising to read as follows: “1. Projects with 10 or more dwellings shall provide open space and recreation area in conformance with this Section. Only the portion of the project devoted to residential use shall be

used in determining the minimum open space requirement. Non-residential elements of projects shall be exempt from the requirements of this section.”

**18. Section 6.9.5.** Site Lighting Design Requirements Section C.1. Light Source (Lamp), **Revise** to reflect preference for LED lighting as follows: “The light emitted by Light Emitting Diodes (LEDs) and fiber optics is preferred. Light emitted by incandescent, metal halide, or color corrected high-pressure sodium is acceptable. Non color corrected high pressure sodium lamps are prohibited.”

## **UDO Proposed Refinements** (DRAFT January 26, 2016)

page 5 of 5

**19. Section 6.12.5.** Design Standards (Off-Street Parking & Loading), **Revise** Section G. Design Standards for Handicapped Accessible Parking to reference Appendix B of the UDO and add a design for parallel handicapped parking in Appendix B of the ordinance.

**20. Section 6.12.6.A.3.** Parking Requirements table, **Add** Multifamily parking requirement of 1.75 spaces per dwelling unit.

**21. Section 8.8.1.E.** Outdoor Advertising Sign Area, **Clarify** by identifying the specific roads and associated maximum square footage for billboards as follows:

1. On US 17, US74/76 and NC 211, the maximum sign area is 378 square feet.
2. On NC 87, NC 133, NC 130, NC 179, and NC 904, the maximum sign area is 300 square feet.
3. On all other public roads in Brunswick County, the maximum sign area is 100 square feet.

**22. Remove** final lift of asphalt from required improvements that may be financially guaranteed in all applicable sections of the ordinance (Section 3.1.4. Building Permit Issuance Requirements B.; 3.4. 12. Final Plat Approval. D. Provision of Improvement Guarantees; and, 3.4.14. Improvements Guarantees A. Agreement and Security Required.)

**23. Appendix C.** Final Plat Endorsements/Statements, **Add** h. Engineer’s Certificate of Road Construction as follows:

I (we) hereby certify that all roads as depicted on this subdivision plat have been designed and installed in accordance with the approved plans per Section 6.11. of the Brunswick County Unified Development Ordinance.

Certified Professional Engineer \_\_\_\_\_ Date \_\_\_\_\_

Seal \_\_\_\_\_

Amend Certificate table at the beginning of Appendix C as necessary.