

What is the UDO and how is it different from the Comprehensive Plan?

The Unified Development Ordinance (UDO) combines into a single document the Town's zoning, subdivision, land use, grading, stormwater management, historic preservation, and all other development activity regulations.

The Comprehensive Plan is a policy document that sets out the community vision and goals on topics such as land use, housing, transportation, historic preservation, and special areas of town. The Plan guides important decisions but is not the law. The UDO is a regulatory document that pertains to a range of development activity and land use decisions.

Will the zoning of my property change and how will I know?

New zoning districts are proposed based on analysis of the current districts' alignment with the Land Use Plan and Map within the Community Plan and Northeast Community Plan and similarities in current districts. As a result, most of the current zoning districts will be updated to new districts. This will not occur automatically with the adoption of the new UDO. In a separate process after the UDO is adopted, the zoning map will be amended with the new districts through the rezoning process. Only properties within the Town's corporate limits and Extraterritorial Jurisdiction (ETJ) will be rezoned; land outside of those areas that are within utility and annexation agreement areas will not be rezoned even though they are included in the Community Plan for future planning purposes. Public notification will occur for the proposed rezoning along with a Board of Commissioners public hearing.

If my zoning allows for more uses than what's listed in the covenants of my neighborhood, which uses are allowed?

Local government regulations and HOA regulations are separate. HOA regulations often provide an additional layer of requirements and can be enforced by the HOA. The Town does not enforce HOA regulations. If the HOA covenants restrict uses beyond what is permitted by the zoning district, the covenant rules supersede the zoning use regulations because they are more restrictive.

Are new uses proposed in the UDO?

New housing types are proposed, such as cottage courts,

triplexes, quadplexes, and two over twos, which are recommended in the Community Plan and offer a variety of housing type choices to meet different affordability and lifestyle needs.

The proposed use table also differentiates some uses by size or location on upper stories in order to accommodate retail, services, and other non-residential uses in context appropriate locations that are convenient to nearby residents.

Contemporary uses, such as co-working, food trucks, short term rental, accessory commercial units, and micro-breweries are also proposed.

Why are certain uses included in the UDO?

Some uses are required to be accommodated within the Town's jurisdiction under federal and state law, such as family care homes, manufactured homes, shooting ranges, adult entertainment, telecommunication towers and facilities, and places of worship.

How do the proposed open space requirements compare to the current UDO?

The current UDO requires open and park space for residential uses only as well as in the Institutional Campus District (ICD). The required amount for residential developments ranges from 0% in downtown areas to 7% in more compact areas to 12.5% in more dispersed areas. The ICD is the zoning for limited areas of Town and requires 25% open space.

The proposed required open space will apply to a range of uses, not just residential development. Requirements for residential developments focus on preserved natural space while commercial developments focus on community spaces that include amenities and promote gathering. The required amount is proposed to range from 2% in downtown areas to 15% in more compact areas to 25% in more dispersed areas. ➤



How do the proposed tree canopy requirements compare to the current UDO?

The Town does not have statutory authority to prohibit removal of trees; therefore, standards focus on approaches that aim to incentivize tree preservation. The current UDO requires tree canopy cover at the rate of 1 canopy tree per 2,500 square feet of property area for less dense areas and 1 canopy tree per 10,000 square feet of property area for more compact areas. Specimen trees (trees 20" or greater in diameter) that are removed have additional replacement requirements. The proposed canopy cover requirements are based on the percentage of the property with tree cover rather than the number of trees. Using an estimate of 315 square feet per tree, the current UDO requires 12.6% or 3.15% cover depending on the location, plus replacement trees. The proposed standards require a minimum of 15-20% cover in most zoning districts if the cover is met with existing trees or mostly existing trees. If the required cover is met mostly with replacement trees, additional canopy cover beyond the minimum is required. Targeted areas for compact development in the Activity Center and TOD districts are proposed to require a base of 5-10% while Downtown is exempt due to the small parcel size.

What's a conservation subdivision?

Conservation subdivision is a design approach that provides flexibility to promote environmentally sensitive and efficient uses of land by concentrating the developed area to portions of the site. This clustering of structures on less environmentally sensitive land reduces the amount of disturbed land area and infrastructure, including paved surfaces and utilities, necessary to serve the development allowing for a larger amount of preserved natural area. A conservation subdivision requires a minimum of 50% of the total gross area to be set aside as conservation area.

How does the UDO promote environmental sustainability?

In addition to tree canopy and landscaping standards, the new UDO proposes to incorporate emerging best practices and promote walkability. To reduce the environmental impact of transportation, parking standards are proposed to be revised to include electric vehicle charging within parking lots and parking maximums to reduce excessive amounts of impervious surface area and encourage other modes of transportation. Rain gardens are proposed as an option for parking lot landscaping requirements.

Walkability is promoted through new internal access drive standards as well as continuing to require sidewalk, multi-use paths, and greenways. The proposed zoning districts allow for a mix of uses and targeted density around current and future transit areas and activity centers; this type of

land use pattern increases the ability for non-automobile trips and improves the pedestrian experience.

How does the UDO promote affordable housing?

State legislation limits the ability of local government to require affordable housing, therefore the UDO proposes zoning bonuses as incentives to encourage the production of affordable dwelling units. The affordability levels targeted by the UDO are for households earning 80% or less and 60% or less of the Area Median Income (AMI), which is currently approximately \$122,300 using the Department of Housing and Urban Development's methodology. Types of incentives proposed include increased building height, increased impervious surface area, reduced open space or tree canopy cover, and impact fee waivers.

What types of infrastructure improvements can the Town require of new development?

Case law requires that improvements required of a development be both reasonably proportional and related to their impacts. This means that developments make improvements to the subject site and the street frontage for the subject site. Development cannot be required to resolve existing issues. The Town requires development to make transportation improvements for their portion of sites in accordance with the adopted Comprehensive Transportation Plan. This can include right-of-way dedication, installation of sidewalk or multi-use paths, curb and gutter, street widening, greenways, and contributions towards medians. Through impact analyses, the Town and NCDOT may in some cases be able to require turn lanes, signal timing adjustments, and contributions towards new traffic signals. Development is responsible for the installation of new streets (and associated elements such as street trees and street lighting) and water and sewer infrastructure. Public infrastructure is eventually taken over for maintenance by the Town or other public agency after completion.

Can the Town require homes to look a certain way?

North Carolina local governments cannot require certain design standards for single family detached, duplex, triplex, quadplex, and townhome developments, including type or style of materials, windows, doors, roof style, and color. The Town can require design standards in historic districts.