

Special Series No. 23

October 2007

An Overview of Zoning Districts, Design Standards, and Traditional Neighborhood Design in North Carolina Zoning Ordinances

David W. Owens and Andrew Stevenson

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An Overview of Zoning Districts and Design Standards in North Carolina Zoning Ordinances

David W. Owens and Andrew Stevenson

The School of Government periodically surveys North Carolina cities and counties regarding zoning practices. In 2002 we asked about experiences with zoning variances.¹ In 2004 our surveys concerned land use ordinances adopted,² experience with special use permits,³ and municipal extra-territorial jurisdiction.⁴

In 2006 we asked North Carolina local governments about the number and type of zoning districts in their land use ordinances, the use of design standards, and their experiences with traditional neighborhood design projects. This report summarizes those responses. Our 2006 survey also asked about zoning amendments, which will be the subject of a subsequent report.

Survey

The 2006 zoning survey was conducted in two phases. In September and October 2006, we conducted the preliminary step of updating our list of jurisdictions having zoning ordinances. To determine whether additional jurisdictions had adopted zoning since our earlier surveys, an inquiry as to whether zoning had been adopted was sent to all cities and counties that had responded to previous surveys saying they did not have zoning, as well as to those

1. DAVID OWENS AND ADAM BRUEGGEMANN, A SURVEY OF EXPERIENCE WITH ZONING VARIANCES (Chapel Hill: School of Government Special Series No. 18, Feb. 2004).

2. DAVID W. OWENS AND NATHAN BRANSCOME, AN INVENTORY OF LOCAL GOVERNMENT LAND USE ORDINANCES IN NORTH CAROLINA (Chapel Hill: School of Government Special Series No. 21, May 2006).

3. DAVID W. OWENS, SPECIAL USE PERMITS IN NORTH CAROLINA ZONING (Chapel Hill: School of Government Special Series No. 22, April 2007).

4. DAVID OWENS, THE NORTH CAROLINA EXPERIENCE WITH MUNICIPAL EXTRATERRITORIAL PLANNING JURISDICTION (Chapel Hill: School of Government Special Series No. 20, Jan. 2006).

that had not responded at all to the previous surveys. We later sent e-mail inquiries to those jurisdictions that did not respond to these written queries, searched government websites, and made telephone inquiries to determine whether zoning had been adopted in those jurisdictions.

We were thus able to confirm that 509 of North Carolina's 643 cities and counties had adopted zoning ordinances as of late 2006. In addition to the 509 jurisdictions reporting adoption of zoning, 24 municipalities reported that county zoning was by mutual agreement applied within those municipalities. Forty-seven jurisdictions confirmed that they had not adopted or applied zoning ordinances or regulations. We had no response from and were unable to confirm whether zoning had been adopted in 63 jurisdictions, primarily municipalities with small populations. These findings are set out in Table 1.

Table 1. Adoption of Zoning by Jurisdiction Type and Population

<i>Population</i>	<i>Zoning adopted</i>	<i>No zoning</i>	<i>Use</i>		<i>Total</i>
			<i>county zoning</i>	<i>No response</i>	
<i>Municipalities</i>	433	23	24	63	543
< 1,000	132	23	18	54	227
1,000–9,999	231	0	6	9	246
10,000–24,999	41	0	0	0	41
>25,000	29	0	0	0	29
<i>Counties</i>	76	24	na	0	100
1,000–24,999	19	17	na	0	36
> 25,000	57	7	na	0	64
All jurisdictions	509	47	24	63	643

We then sent surveys to all jurisdictions confirmed to have adopted zoning, seeking information about zoning districts, design standards, and their experiences with zoning amendments. Appendix A provides a copy of the portion of the survey instrument related to zoning districts, design standards, and traditional neighborhood design. This survey was mailed in mid-October 2006 to the 509 jurisdictions in the state known to have zoning ordinances—433 incorporated cities and 76 counties. A second copy was mailed in late November 2006 to all jurisdictions that had not responded to the initial mailing. E-mail reminders were sent in January 2007 to all nonresponding jurisdictions for which electronic contact information was available.

The response rate was very high and the responses provide an excellent representational cross section of cities and counties in North Carolina. In all, 358 of the 509 jurisdictions in the state responded, a 70 percent response rate (Table 2). A list of responding jurisdictions is set out in Appendix B. The response rate of counties and jurisdictions with larger populations was particularly strong. The combined 2005 population of all responding jurisdictions totaled over 7.6 million, some 90 percent of the state’s overall population. The population of responding jurisdictions is provided in Table 3.

Table 2. Survey Response by Jurisdiction Population

<i>Population</i>	<i>Number of jurisdictions</i>	<i>No. responding</i>	<i>Response rate (%)</i>
<i>Municipalities</i>	433	295	68
< 1,000	132	68	52
1,000–9,999	231	173	75
10,000–24,999	41	30	73
> 25,000	29	24	83
<i>Counties</i>	76	63	83
1,000–24,999	19	14	74
> 25,000	57	49	86
All jurisdictions	509	358	70

Table 3. Population of Responding Jurisdictions

	<i>Total 2005 population</i>	<i>Population of responding jurisdictions</i>	<i>Percentage of population represented by responding jurisdictions</i>
<i>Counties (unincorporated areas)</i>	4,019,839	3,755,257	93.4
<i>Municipalities</i>	4,398,251	3,857,715	87.7
Total	8,418,090	7,612,972	90.4

The data reported below is based on the number of jurisdictions responding to a particular survey question. Since all respondents did not answer every question, the number of those actually responding to that particular query is noted in each table (indicated by $n = x$).

Zoning Districts

The principal characteristic of a zoning ordinance is division of the city’s or county’s land area into districts with a separate set of development regulations for each zone or district. Districts vary primarily in the range of land uses permitted in each district. Setbacks, height limits, sign limits, and parking and other regulations also typically differ from district to district.

In the early days of zoning, a city usually was divided into three districts—one residential, one commercial, and one industrial. In the 1950s the complexity and sophistication of development regulations grew in response to increasing development and higher population densities in the state. Many zoning ordinances were amended to create subdivisions within each basic district category. The Charlotte zoning code of 1951 included six zoning districts (two each for residential, business, and industrial uses). In 1951 Raleigh created a separate district for office and institutional uses “designed to meet the problem of handling doctors’ offices and similar offices which want to open in residential districts.” In 1954 the Shelby zoning ordinance was amended to add a “neighborhood business” district and to divide its single residential district into three residential districts. Also in that year, Raleigh added a shopping center district and a buffer commercial district to its zoning ordinance. Between 1952 and 1992, Charlotte’s zoning ordinance grew from five to sixty zoning districts; Greensboro’s, from seven to thirty-eight; and Raleigh’s, from five to fifty-seven.

The survey indicated that this trend toward a larger number of zoning districts is common throughout the state.

Conventional Districts

The survey first asked about the number of conventional zoning districts included in each jurisdiction’s ordinance. These are basic zoning districts, each including a variety of permitted land uses. Conventional zoning districts may also include some uses allowed only by special or conditional use permits.

Statewide, the most common number of conventional districts for a zoning ordinance was 10 or 11; the median number of conventional zoning districts was 10.5. Most ordinances have three to ten residential districts, two to six commercial districts, several industrial and office districts, and perhaps a few more specialized districts. Not surprisingly, more populous cities have a greater number of districts. The median number of conventional zoning districts for cities with populations under 1,000 is 6, while the median for cities with populations over 25,000 is 21.5. These results are summarized in Table 4.

Table 4. Median Number of Conventional Zoning Districts

<i>Population</i>	<i>Residential</i>	<i>Commercial</i>	<i>Industrial</i>	<i>Office/ institutional</i>	<i>Other</i>	<i>Total</i>
<i>Municipalities</i>						
< 1,000	3	2	1	0	0	6
1,000–9,999	4	3	1	1	0	9
10,000–24,999	6	4	2	1	0.5	13.5
> 25,000	9	6	2	2.5	2	21.5
<i>Counties</i>						
1,000–24,999	5	2	2	0	1	10
> 25,000	5	2	2	1	1	11
Median for all jurisdictions (n = 349)	5	2.5	2	1	0.75	10.5

Overlay Districts

A zoning ordinance may also include overlay districts.⁵ For example, all of a city’s flood hazard areas may be placed in a floodplain overlay district that imposes requirements for flood-proofing structures and for locating them outside of floodways. These standards are supplemental to the requirements of the conventional (or base) residential, commercial, or industrial district in which the land is zoned.

Our survey indicates that a substantial majority of North Carolina jurisdictions with zoning ordinances have overlay districts. Overall, 66 percent of responding jurisdictions reported use of these districts. They are particularly widely used by counties (82 percent) and more populous cities (96 percent of those with populations over 25,000 and 93 percent of those with populations between 10,000 and 25,000). These results are set out in Table 5.

Table 5. Use of Overlay Districts

<i>Population</i>	<i>Percentage using overlay districts</i>
<i>Municipalities</i>	
> 1,000 (n = 68)	28
1,000–9,999 (n = 173)	66
10,000–24,999 (n = 30)	93
> 25,000 (n = 24)	96
<i>Counties</i>	
10,000–24,999 (n = 14)	79
> 25,000 (n = 49)	84
Total (n = 358)	66

For those jurisdictions with overlay districts, the most com-

5. Several websites have illustrations of overlay zoning districts. See, for example, the Center for Land Use Education’s overlay zoning site at www.uwsp.edu/cnr/landcenter/pdffiles/implementation/OverlayZoning.pdf.

monly used overlay districts are flood hazard⁶ and water supply watershed protection⁷ overlay districts, both being used by over half of those jurisdictions. Historic districts,⁸ corridor protection districts, and central business district⁹ overlay zones are also relatively common, each being used by at least a third of

6. Under federal law, property owners in a community are not eligible for federal flood insurance unless the local government has adopted floodplain zoning regulations that meet minimum federal standards. 42 U.S.C. § 4002(b). These standards generally prohibit development in the floodway, require elevation of the lowest habitable floor above the 100-year flood level in the broader floodplain, and limit location of manufactured housing in the floodplain. N.C. Gen Stat. § 143-215.51 to 143-61 (hereinafter G.S.) defines flood hazard areas and prohibits location of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities in the 100-year floodplain. This statute requires that local flood hazard prevention ordinances meet national flood insurance program requirements, prohibit these restricted uses, and provide that any chemical or fuel storage tanks in the floodplain be elevated, watertight, and securely anchored. Information on the state’s floodplain mapping program is online at www.ncfloodmaps.com/default_swf.asp. The Emergency Management Division, N.C. Department of Crime Control and Public Safety, has model flood damage prevention ordinances online at www.nccrimecontrol.org/Index2.cfm?a=000003,000010,000176,000832,000879.

7. G.S. 143-214.5 mandates that the over 250 cities and counties whose jurisdictions contain surface water used for public water supplies adopt watershed protection regulations, either as part of a zoning ordinance or as a separate ordinance. Rules for the mandated regulations are provided in 15A NCAC 2B .0104 (2006). Information on the watershed water supply protection program, including model ordinances, is online at h2o.enr.state.nc.us/wswp/index.html.

8. G.S. 160A-400.1 through 160A-400.14 establishes a detailed framework for regulation of historic districts and landmarks. The State Historic Preservation Office, N.C. Department of Cultural Resources, has information on local historic preservation programs online at www.hpo.dcr.state.nc.us/commhome.htm.

9. Design standards for central business districts have long been a concern in North Carolina for both large cities and small towns. These early efforts often focused on public improvements (such as parking, sidewalks, landscaping, and lighting), though many also suggested standards for façade improvements, canopies, and the like. The state’s Main Street Center (information online at www.nccommerce.com/en/CommunityServices/CommunityPlanningAssistance/NCMainStreetCenter/index.htm) often addresses these issues as well.

Table 6. Type of Overlay Districts Adopted (of the respondents with overlay districts, percent by population)

<i>Population</i>	<i>Flood hazard</i>	<i>Historic district</i>	<i>Corridor protection</i>	<i>Central business</i>	<i>Water supply watershed</i>	<i>Stormwater</i>	<i>Other envir.</i>	<i>Other</i>
<i>Municipalities</i>	52	45	33	34	51	6	14	46
< 1,000 (<i>n</i> = 19)	47	11	5	21	26	16	16	11
1,000–9,999 (<i>n</i> = 114)	43	29	24	22	46	2	9	44
10,000–24,999 (<i>n</i> = 28)	64	54	54	54	68	4	7	39
> 25,000 (<i>n</i> = 23)	52	87	48	39	65	0	22	91
<i>Counties</i>	71	40	32	0	68	6	17	55
1,000–24,999 (<i>n</i> = 11)	91	64	9	0	64	9	9	55
> 25,000 (<i>n</i> = 41)	51	15	54	0	71	2	24	54

the jurisdictions with overlay zones. Among the miscellaneous other types of overlay districts used in the state are manufactured housing, airport, and neighborhood conservation districts.¹⁰ The percentage of jurisdictions with overlay districts using various types of these districts is shown in Table 6.

Floating Districts

A zoning ordinance may also include floating districts. These districts are defined in the text of the ordinance but are applied or mapped only upon petition of affected landowners.¹¹ Examples include mobile home park districts, shopping center districts, and mixed-use districts. Special mixed-use districts, often termed planned unit development districts, usually require a minimum acreage and an overall concept plan for development of the entire tract prior to rezoning. Conditional and conditional use districts are special forms of floating districts discussed in the next section of this report.

Floating districts are used in North Carolina, though less frequently than overlay districts. While two-thirds of the jurisdictions with zoning use overlay districts, only about a third use floating districts. As with overlay districts, the use of floating districts is correlated with population size. Half of the responding municipalities with populations over 10,000 have floating districts while only 31 percent of the municipalities

10. For example, the Raleigh zoning ordinance allows use of a Neighborhood Conservation Overlay District in neighborhoods that are at least twenty-five years old, are 75 percent developed, comprise at least 15 acres, and have a distinctive character. A neighborhood plan is prepared and new development must be consistent with that plan.

11. The use of unmapped floating zones for planned unit developments, planned industrial parks, and shopping centers has been upheld by the North Carolina courts. See *Allgood v. Town of Tarboro*, 281 N.C. 430, 189 S.E.2d 255 (1972); *Armstrong v. McInnis*, 264 N.C. 616, 142 S.E.2d 670 (1965).

with populations under 10,000 use them.

The most commonly used floating district in North Carolina is the planned unit development (PUD) district. Kildare Farms in Cary, a 967-acre mixed-use development approved in the early 1970s, is often cited as the first large PUD approved in North Carolina that incorporated various housing types and commercial development. Of the jurisdictions with floating districts, 72 percent of the municipalities and 60 percent of the counties have PUD districts. No other single type of floating district was used by more than a quarter of the jurisdictions with floating districts. The other floating districts used, in order of frequency, were manufactured home park districts, mixed-use districts, traditional neighborhood design districts, and miscellaneous others.

Conditional Zoning

North Carolina land use law allows the use of two types of zoning districts that apply site-specific development standards—conditional use districts and conditional zoning.¹²

Conditional use district (CUD) zoning is involved when a landowner requests that property be placed in a new zoning district that has no permitted uses, only special or conditional uses. No new use of land may be undertaken within the district unless a special or conditional use permit is secured. Using this tool is complicated, because the city generally makes two decisions simultaneously. It must legislatively rezone property as a conditional use district and take quasi-judicial action to approve the conditional use permit, all while observing the differing procedural requirements necessary in each case. Often there is one conditional use district to correspond to each regu-

12. The rather complex legal issues associated with these tools are reviewed in DAVID W. OWENS, *LAND USE LAW IN NORTH CAROLINA* 95-98 (2006).

lar or general zoning district, with all of the permitted uses in a particular zoning district being converted to special or conditional uses in the parallel special/conditional use district.

This technique of conditional use district zoning was pioneered by Greensboro in 1972 and was explicitly authorized by local legislation for several local governments in 1973. Between 1973 and 1985, more than twenty North Carolina local governments sought and received local legislation authorizing this practice. Conditional use districts were incorporated into the general zoning enabling act in 1985. Sections 153A-342 and 160A-382 of the North Carolina General Statutes (hereinafter G.S.) specifically allow use of special and conditional use districts but only upon the petition of the owners of all of the land to be included in the district. The adoption of conditional use districts was upheld by the courts in 1988.¹³

Many of the local governments adopting conditional use districts struggled with the complexity of concurrently deciding a legislative rezoning to a conditional use district and a quasi-judicial conditional use permit under the conditional use district zoning scheme. An alternative developed in North Carolina in the 1990s, whereby the conditional use permit is eliminated and all of the site-specific standards are incorporated directly into the zoning district regulations (and then that zoning district is applied only to a single parcel). Charlotte was one of the first jurisdictions in the state to use this purely legislative conditional zoning. In 2001 and 2002, North Carolina courts sanctioned the use of this technique.¹⁴

In 2005 the General Assembly amended the zoning statutes to explicitly authorize city and county use of conditional zoning. G.S. 160A-382(a) and 153A-342(a) provide that zoning ordinances may include “conditional districts, in which site plans and individualized development conditions are imposed.” As with special and conditional use districts, the statute provides that land may be placed in a conditional district only upon petition of all of the owners of the land to be included.

G.S. 160A-382(c) and 153A-342(c) provide that specific conditions may be suggested by the owner or the government, but only those conditions mutually acceptable to both may be incorporated into the ordinance or individual permit involved. These statutes also provide that any conditions or site-specific standards imposed are limited to those that address (1) the conformance of the development and use of the site to city or county ordinances and officially adopted plans and (2) the impacts reasonably expected to be generated from the development or use of the site. These provisions regarding conditions and standards apply to both conditional zoning and to special and conditional use district zoning.

Both conditional use districts and conditional zoning are widely used in North Carolina, particularly by more populous municipalities. A third of the responding cities reported using conditional zoning, as did a quarter of responding counties. Of cities with populations over 25,000, 63 percent reported

use of conditional zoning. Slightly more jurisdictions reported use of the more established but more complicated conditional use district zoning. Thirty-nine percent of the municipalities as well as 39 percent of the counties (and 77 percent of the cities with populations between 10,000 and 25,000) reported use of CUDs. These findings are included in Table 7. Interestingly, a number of jurisdictions report having both conditional zoning and conditional use districts in their ordinances (17 percent of the cities and 8 percent of the counties).

Table 7. Use of Conditional Zoning and Conditional Use Districts

<i>Population</i>	<i>Conditional zoning (%)</i>	<i>Conditional use districts (%)</i>
<i>Municipalities</i>	33	39
< 1,000 (n = 68)	21	29
1,000–9,999 (n = 173)	36	47
10,000–24,999 (n = 30)	47	77
> 25,000 (n = 24)	63	42
<i>Counties</i>	25	39
1,000–24,999 (n = 14)	29	36
> 25,000 (n = 49)	20	41

Design Standards

The impacts of aesthetics and development design have long been a concern of local governments. Most of the early efforts in this area were nonregulatory. In 1971 the General Assembly enacted G.S. 160A-451 through 160A-455 (applicable to both cities and counties) to authorize the creation of community appearance commissions. These boards often provide advisory reviews of building designs. They develop plans for landscaping, community beautification, and streetscape projects.

While design standards for individual structures have more commonly been enforced through private restrictive covenants in North Carolina, there is local government interest in regulatory design standards.¹⁵ Such standards are most often

13. *Chrismon v. Guilford County*, 322 N.C. 611, 370 S.E.2d 579 (1988).

14. *Summers v. City of Charlotte*, 149 N.C. App. 509, 562 S.E.2d 18, *review denied*, 355 N.C. 758, 566 S.E.2d 482 (2002); *Massey v. City of Charlotte*, 145 N.C. App. 345, 550 S.E.2d 838, *review denied*, 354 N.C. 219, 554 S.E.2d 342 (2001).

15. The North Carolina Supreme Court has held that protection of aesthetic qualities is a legitimate basis for land use regulation. *State v. Jones*, 305 N.C. 520, 290 S.E.2d 675 (1982) (upholding junkyard screening requirement); *A-S-P Assocs. v. City of Raleigh*, 298 N.C. 207, 216 S.E.2d 444 (1979) (upholding historic district regulations). Local regulations in other states prohibit homes from being either too similar or too dissimilar from neighboring homes. Cases in other jurisdictions upholding design review requirements include *State ex rel. Stoyanoff v. Berkeley*, 458 S.W.2d 305 (Mo. 1970) and *Saveland Park Holding Corp. v. Wieland*, 69 N.W.2d 217 (Wis. 1955), *cert. denied*, 350 U.S. 841 (1955).

implemented for commercial developments and in particular areas (often through the use of overlay districts). It is less common for North Carolina ordinances to address the design of residential structures outside of historic districts.

Our survey indicates that the use of mandatory regulatory design standards is largely confined to the more populous municipalities in North Carolina. As shown in Table 8, a substantial majority of responding cities with populations over 10,000 have included design standards in their development ordinances. They are far less common in other jurisdictions.

Table 8. Use of Mandatory Design Standards

<i>Population</i>	<i>Percentage adopted</i>
<i>Municipalities</i>	45
< 1,000 (n = 67)	16
1,000–9,999 (n = 173)	40
10,000–24,999 (n = 30)	70
> 25,000 (n = 24)	100
<i>Counties</i>	17
1,000–24,999 (n = 14)	7
> 25,000 (n = 49)	27

Design standards are most commonly applied in historic districts and for commercial projects. Table 9 shows the responses concerning design standards regulation.

Traditional Neighborhood Design

In the past decade there has been increasing interest in regulations that facilitate a greater mix of land uses, a more pedestrian orientation to residential and commercial areas, and a greater attention to the design of new developments.¹⁶ A city or county

16. See PETER CALTHORPE, *THE NEXT AMERICAN METROPOLIS: ECOLOGY, COMMUNITY, AND THE AMERICAN DREAM* (1993); PETER KATZ, *THE NEW URBANISM: TOWARD AN ARCHITECTURE OF COMMUNITY* (1994); LOCAL GOVERNMENT COMMISSION, *SMART GROWTH ZONING CODES: A RESOURCE GUIDE* (2003); Brian Ohm & Robert J. Sitkowski, *The Influence of New Urbanism on Local Ordinances: The Twilight of Zoning?*, 35 *URB. LAW.* 783 (2003); Andres Duany & Emily Talen, *Transect Planning*, 68 *J. AM. PLAN. ASS'N* 245 (2002). For a sampling of websites of interest on this topic, see The Town Paper's traditional neighborhood design site, www.tndtownpaper.com/neighborhoods.htm; Congress for the New Urbanism, www.cnu.org/; the American Planning Association's New Urbanism Division, www.planning.org/newurbanism/; the Environmental Protection Agency's Smart Growth Network, www.smartgrowth.org/

can amend its development regulations to allow mixed uses, be they residences above commercial storefronts in existing downtowns or new developments with single- and multi-family residences interspersed with commercial and office uses arrayed in a pedestrian-friendly manner.

Increasingly North Carolina development regulations permit traditional neighborhood design (TND) and revise infrastructure requirements—such as allowing narrower streets and interconnected street layout and providing for sidewalks or alleyways—associated with this development form. Several local governments (including Belmont, Chapel Hill, Cornelius, and Davidson) have amended their regulations to facilitate or allow TND features.

A national criticism of zoning is that it prohibits or inhibits the use of innovative design schemes such as TND. Apparently such constraints are not characteristic of zoning ordinances in North Carolina. With the exception of municipalities with populations under 10,000, a majority of responding jurisdictions allow TND projects. As indicated in Table 10, this is particularly true for more populous cities, with 88 percent of the cities with populations over 25,000 allowing these developments. Most jurisdictions that allow this type of development, however, retain a degree of case-by-case approval of individual projects. As Table 11 shows, most jurisdictions that allow TND require a prior rezoning to do so.

Apart from the question of whether local regulations allow TND developments is whether they are actually being built. Several of these developments have been completed in some of the more populous areas of the state.¹⁷ Our survey inquired if any TND projects had been proposed, permitted, or built in respondents' jurisdictions.

The responses indicate that these types of developments are being constructed extensively throughout the state. A majority of both cities and counties responding reported that TND projects had been proposed in their jurisdictions. Well over a third (38 percent) of both cities and counties indicated that a TND project had either been completed or was under construction. Table 12 sets out these responses.

default.asp.

17. Examples, with web links for more information, include Afton Village, Concord (aftonvillage.com)
Antiquity, Cornelius (antiquitync.com)
Birkdale Village (www.birkdalevillage.net/concept.htm)
Carpenter Village, Cary (www.carpentervillagehomes.com/sitemap.php)
Cheshire, Black Mountain (villageofcheshire.com)
Cline Village, Conover (clinevillage.com)
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New Neighborhood in Old Davidson, Davidson (doverkohl.com)
Southern Village, Chapel Hill (southernvillage.com)
Stowe Manor, Belmont (stowemanor.com)
Vermillion, Huntersville (newvermillion.com)
Woodsong, Shallotte (villageofwoodsong.com)

Table 9. Types of Design Standard Uses (percent of respondents with design standards)

<i>Population</i>	<i>Historic district</i>	<i>Commercial buildings</i>	<i>Downtown area</i>	<i>Commercial area</i>	<i>Corridor district</i>	<i>Other</i>
<i>Municipalities</i>	43	40	32	29	22	26
< 1,000 (<i>n</i> = 11)	9	55	9	18	0	36
1,000–9,999 (<i>n</i> = 69)	39	41	28	39	29	20
10,000–24,999 (<i>n</i> = 30)	40	33	37	33	23	27
> 25,000 (<i>n</i> = 24)	83	33	54	25	38	21
<i>Counties</i>	19	15	4	8	19	69
1,000–24,999 (<i>n</i> = 1)	0	0	0	0	0	100
> 25,000 (<i>n</i> = 13)	38	31	8	15	38	38

Table 10. Ordinances Allowing TND Development

<i>Population</i>	<i>Percentage allowing</i>
<i>Municipalities</i>	46
< 1,000 (<i>n</i> = 67)	27
1,000–9,999 (<i>n</i> = 173)	47
10,000–24,999 (<i>n</i> = 30)	70
> 25,000 (<i>n</i> = 24)	88
<i>Counties</i>	56
1,000–24,999 (<i>n</i> = 14)	50
> 25,000 (<i>n</i> = 49)	61

Table 11. Rezoning Required for TND

<i>Population</i>	<i>Percentage requiring rezoning</i>
<i>Municipalities</i>	45
< 1,000 (<i>n</i> = 18)	39
1,000–9,999 (<i>n</i> = 81)	60
10,000–24,999 (<i>n</i> = 21)	57
> 25,000 (<i>n</i> = 21)	71
<i>Counties</i>	62
1,000–24,999 (<i>n</i> = 7)	57
> 25,000 (<i>n</i> = 30)	67

Table 12. Implementation of TND Projects

<i>Population</i>	<i>TND proposed (%)</i>	<i>TND permitted (%)</i>	<i>TND underway or completed (%)</i>
<i>Municipalities</i>	52	42	38
< 1,000 (<i>n</i> = 18)	61	33	28
1,000–9,999 (<i>n</i> = 81)	53	40	33
10,000–24,999 (<i>n</i> = 21)	62	52	48
> 25,000 (<i>n</i> = 21)	86	86	81
<i>Counties</i>	61	38	38
1,000–24,999 (<i>n</i> = 7)	71	43	43
> 25,000 (<i>n</i> = 30)	50	33	33

Appendix A

Applicable Portion of Survey Instrument

Part One: Your Current Zoning Ordinance

For the purposes of this survey, please consider your current zoning ordinance (or the zoning portion of your unified development ordinance).

1. Most zoning ordinances have several “**conventional**” zoning districts where some uses are automatically permitted and others prohibited. Some of these conventional districts also allow other uses subject to a special or conditional use permit. We are interested in knowing the type and number of conventional districts in your ordinance. Please indicate whether your ordinance includes each type of conventional zoning district listed below, and if you have districts of that type, how many.

- Residential Yes No
If Yes, how many? _____
- Commercial Yes No
If Yes, how many? _____
- Industrial Yes No
If Yes, how many? _____
- Office/Institutional Yes No
If Yes, how many? _____
- Others Yes No
If Yes, how many? _____

2. Some zoning ordinances also include “**overlay**” zoning districts. These districts do not replace the underlying zoning district, but add special development standards regardless of the underlying district. Does your ordinance include any overlay districts?

Yes No

If Yes, please check each of the types of overlay districts listed below that are included in your ordinance:

- Flood hazard
- Historic district
- Corridor protection

- Central business district
- Water supply watershed protection
- Stormwater
- Other environmental. Please list:

Others. Please list:

3. Some zoning ordinances also include “**floating**” zoning districts. These districts are defined in the ordinance but are not applied or placed on the zoning map except by petition. They are defined in the zoning text but not applied to property until land owners make that request. Not including conditional or conditional use districts (which we ask about later), does your ordinance include any floating zoning districts?

Yes No

If Yes, please check each of the types of floating districts listed below that are included in your ordinance:

- PUD (planned unit development) district
- Manufactured home park district
- Mixed use district
- Traditional neighborhood design district
- Others. Please list:

4. Some zoning ordinances allow for “**conditional**” or “**conditional use**” districts. Conditional rezoning is entirely legislative, while conditional use districts also require a conditional use permit (or special use permit) to be issued along with the rezoning. These districts are requested by land owners and

impose individualized site specific requirements as part of the rezoning process. Does your ordinance allow for either of these?

- a. Conditional rezonings Yes No
- b. Conditional use district rezonings Yes No

5. Does your ordinance include mandatory **design standards** that set requirements for the appearance of buildings?
 Yes No

If yes, please check each of the types of buildings or zoning districts for which design standards are included:

- Historic districts
- Corridor districts
- Downtown areas
- Shopping centers or other particular commercial areas
- Commercial buildings. If so and there is a building size threshold, please list it: _____

- Other. Please list: _____

6. In recent years some new developments have incorporated **traditional neighborhood design** or “new urbanism” principles. These typically include a mix of land uses (single-family and multi-family residential, neighborhood scale commercial, offices, and institutional uses) and often include design features such as narrower streets on a grid pattern, sidewalks, and buildings closer to streets.

- a. Would your current ordinance allow such development?
 Yes No
- b. If so, is a rezoning necessary to build such a development?
 Yes No
- c. Have any such developments been proposed in your jurisdiction?
 Yes No
- d. Have any such developments been permitted in your jurisdiction?
 Yes No
- e. Is construction underway or completed on any such developments in your jurisdiction?
 Yes No

Appendix B

List of Responding Jurisdictions

Municipalities	Hoffman	Winfall	Claremont	Hildebran
	Jackson	Winton	Clinton	Hillsborough
	Lasker	Woodland	Coats	Hudson
Population < 1,000	Littleton		Columbus	Jamestown
Alamance	Lucama	Population	Conover	Kill Devil Hills
Aurora	Magnolia	1,000–9,999	Cramerton	King
Bald Head Island	Middlesex	Aberdeen	Creedmoor	Kitty Hawk
Banner Elk	Momeyer	Ahoskie	Dallas	Knightdale
Bayboro	Morven	Andrews	Davidson	La Grange
Bear Grass	New London	Angier	Denton	Lake Waccamaw
Beech Mountain	Newton Grove	Archdale	Drexel	Landis
Belville	Northwest	Ayden	Dunn	Laurel Park
Bogue	Ocean Isle Beach	Badin	East Spencer	Leland
Bunn	Oriental	Beaufort	Edenton*	Liberty
Candor	Parkton	Belhaven	Elizabethtown	Locust
Castalia	Peachland	Belwood*	Elkin	Longview
Caswell Beach	Pikeville	Bermuda Run	Elm City	Madison
Chimney Rock	Powellsville	Bessemer City	Emerald Isle	Maiden
Columbia	Red Cross	Beulaville	Erwin	Manteo
Como	Roxobel	Biltmore Forest	Fairbluff	Marion
Conway	Salemburg	Black Mountain	Fairview	Marshall
Dillsboro	Saratoga	Bladenboro	Farmville	Marshville
Dover	Star	Blowing Rock	Fletcher	Marvin
Duck	Stovall	Boiling Spring Lakes	Four Oaks	Maxton
East Laurinburg	Sugar Mountain	Brevard	Franklin	Mebane
Ellerbe	Taylortown	Broadway	Franklinton	Midland
Falcon	Teachey	Burgaw	Gibsonville	Mills River
Falkland	Topsail Beach	Cajah's Mountain	Glen Alpine	Mineral Springs
Foxfire Village	Turkey	Canton	Granite Falls	Morehead City
Greenevers	Vass	Cape Carteret	Green Level	Mount Olive
Hamilton	Walnut Creek	Carolina Beach	Hamlet	Mount Airy
Harrells	Washington Park	Carthage	Harrisburg	Murfreesboro
Hayesville	White Lake	Cherryville	Haw River	Murphy
Highlands	Whitsett	China Grove	Hertford	Nags Head
Hobgood				

**Joint city-county survey response filed.*

Newport	Wadesboro	Shelby	Warren	Sampson
North Wilkesboro	Walkertown	Southern Pines	Washington	Stanly
Norwood	Wallace	Tarboro	Wilson	Stokes
Oak Island	Warsaw	Wake Forest		Surry
Oak Ridge	Washington		Unincorporated	Union
Oxford	Waxhaw	Population > 25,000	Population > 25,000	Wake
Pilot Mountain	Waynesville	Apex	Alexander	Watauga
Pine Knoll Shores	Weaverville	Asheville	Bladen	Wayne
Pine Level	Weddington	Burlington	Brunswick	Wilkes
Pinebluff	Weldon	Cary	Buncombe	Yadkin
Pineville	Wendell	Chapel Hill	Burke	
Pittsboro	Wentworth	Charlotte*	Cabarrus	
Pleasant Garden	Wesley Chapel	Durham*	Caldwell	
Plymouth	West Jefferson	Fayetteville	Carteret	
Princeton	Whiteville	Gastonia	Catawba	
Ramseur	Wilkesboro	Goldsboro	Chatham	
Randleman	Williamston	Greensboro	Cleveland	
Ranlo	Wilson's Mills	Greenville	Columbus	
Richlands	Windsor	Hickory	Craven	
River Bend	Wingate	High Point	Cumberland	
Robersonville	Winterville	Jacksonville	Davidson	
Rockingham	Woodfin	Matthews	Davie	
Rolesville	Yadkinville	Monroe	Durham*	
Roseboro	Zebulon	Raleigh	Forsyth	
Rose Hill		Rocky Mount	Franklin	
Rowland	Population 10,000–	Salisbury	Gaston	
Roxboro	24,999	Sanford*	Granville	
Rutherford College	Albemarle	Thomasville	Guilford	
Rutherfordton	Asheboro	Wilmington	Halifax	
Saint Pauls	Boone	Winston-Salem*	Harnett	
Scotland Neck	Carrboro		Henderson	
Shallotte	Clayton	Counties	Hoke	
Siler City	Cornelius		Iredell	
Southport	Elizabeth City	Unincorporated	Jackson	
Sparta	Fuquay-Varina	Population < 25,000	Johnston	
Spencer	Garner	Alleghany	Lee*	
Spindale	Graham	Anson	Lenoir	
Spruce Pine	Havelock	Camden	Lincoln	
Stanfield	Hendersonville	Caswell	McDowell	
Stokesdale	Indian Trail	Chowan*	Mecklenburg*	
Summerfield	Kernersville	Currituck	Moore	
Sunset Beach	Kings Mountain	Dare	Nash	
Surf City	Kinston	Edgecombe	New Hanover	
Swansboro	Laurinburg	Hertford	Onslow	
Sylva	Lexington	Madison	Orange	
Tabor City	Lincolnton	Montgomery	Pender	
Taylorsville	Lumberton	Northampton	Person	
Trinity	Mint Hill	Pasquotank	Pitt	
Troutman	Mooresville	Perquimans	Randolph	
Troy	Newton	Polk	Richmond	
Tryon	Pinehurst	Scotland	Robeson	
Unionville	Reidsville		Rockingham	
Valdese	Roanoke Rapids		Rowan	

*Joint city-county survey response filed.

About the Author

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In a new, revised edition, this book provides a clear explanation of zoning law for citizen board members and the public. It serves as both an introduction for citizens new to these issues and a refresher for those who have been involved with zoning for some time. Each chapter deals with a distinct aspect of zoning, such as where a city can apply its ordinance, the process that must be followed in rezoning property, or how an ordinance is enforced. Although North Carolina ordinances and cases are cited, this book is useful to residents of other states interested in zoning law.

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David W. Owens

2006

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David W. Owens and Nathan Branscome

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David W. Owens

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