



CITY OF WILSON
Planning & Design Review Board Agenda Session

Agenda Item #: _____
City Council Meeting: October 17, 2024

TO: Planning & Design Review Board
FROM: Kathy Bangley, Director of Development Services
SUBJECT: ZONING ORDINANCE TEXT CHANGE REQUEST (Proj# 24-358)

APPLICANT: City of Wilson
SECTIONS: Chapters 2, 3, 13 and 15 of the UDO
Purpose: Technical amendments to update the UDO with regards to Uses, Supplemental Standards, Non-conformities, Administration and best practices.

STAFF RECOMMENDATION: 1) Approval. 2) If you move to approve the request, be sure to preface your motion with the “reasonable” statement below. **3)** If you move to deny the request, be sure to preface that motion with the “not reasonable” statement below.

Choose one:

I MOVE THAT THE PROPOSED AMENDMENT IS REASONABLE DUE TO ITS CONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE APPROVED: GI-1.5 and GI-3.4

I MOVE THAT THE PROPOSED AMENDMENT IS NOT REASONABLE DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE DENIED: GI-1.5 and GI-3.4

BACKGROUND:

Staff has been reviewing areas of the UDO to maintain a high level of customer service and use of best practices in a changing environment. The text amendments in these chapters are presented in the traditional way, **Deletions are in Red** and **Additions are in Green** as an attachment. A brief summation of those changes is attached.

COORDINATION:

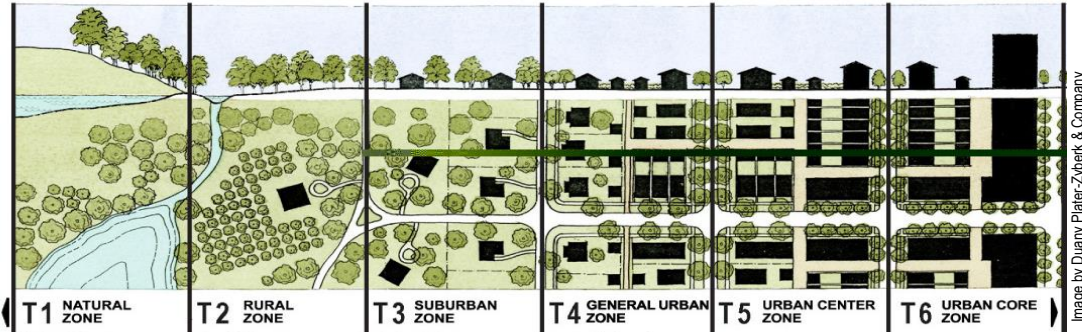
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ATTACHEMENT: Amendments with **Deletions in Red** and **Additions in Green**

Project 24-358

CHAPTER 2 DISTRICT STANDARDS

2.5.2 URBAN DISTRICT DEVELOPMENT STANDARDS



Base Districts	GR6	UR RMX	IMX NMX	CCMX
1. BUILDING TYPE (Section 2.5.3)	Civic/Institutional Detached House	Civic/Institutional Detached House Townhouse Apartment Commercial Mixed-Use	Civic/Institutional Townhouse Apartment Commercial Mixed-Use	Civic/Institutional Townhouse Apartment Mixed-Use
2. PRIVATE FRONTAGE (Section 2.5.4)				
A. Common Lawn	Permitted	Permitted	Prohibited	Prohibited
B. Porch & Fence	Permitted	Permitted	Prohibited	Prohibited
C. Terrace or Light Court	Prohibited	Permitted	Permitted	Permitted
D. Forecourt	Prohibited	Permitted	Permitted	Permitted
E. Stoop	Prohibited	Permitted	Permitted	Permitted
F. Shopfront/Awning	Prohibited	Permitted	Permitted	Permitted
G. Gallery	Prohibited	Prohibited	Permitted	Permitted
H. Arcade	Prohibited	Prohibited	Permitted	Permitted
3. DEVELOPMENT STANDARDS				
A. Max. Density (Units/Acre)	6 dua	UR – 9 dua* RMX – 24 dua*	n/a	n/a
B. Maximum Development Size if not in TND	120 acres	60 acres	n/a	n/a
C. Building Floor Area (Max)	n/a	20,000 sf	20,000 sf (NMX)**	n/a
4. PRINCIPAL BUILDING		****	****	
A. Principal Front Setback	20 ft min.	6 ft min. 25 ft max.***	0 ft min. 12 ft max. (NMX)*** 5 ft max. (IMX)***	0 ft min. 6 ft max.***
B. Street Side/Secondary Front Setback	10 ft min.	6 ft min.	0 ft min. 12 ft max.***	0 ft min. 6 ft max.***
C. Side (from adjacent lot) Setback	5 ft min.	0 ft (5 ft if detached)	0 ft	0 ft
D. Rear Setback	20 ft min.	3 ft	0 ft	0 ft
E. Frontage Buildout	n/a	n/a	60%	80%
5. ACCESSORY STRUCTURE				
A. Side Setback	5 ft min.	0 ft (5 ft if detached)	0 ft (5 ft if detached)	n/a
B. Rear Setback	5 ft min.	5 ft	5 ft	n/a
C. Garage Setback from Alley	15 ft from face of garage to centerline of alley			
D. Other Standards	20 ft min. behind building frontage line		Rear Yard Only	
6. PARKING CONFIGURATION				
A. Parking Location	By building type - See Section 9.3			
7. HEIGHT				
A. Min. Height	None	None	16 ft	2 stories
B. Max. Height	3 stories	UR-3 stories RMX-4 stories	None	None

* Infill projects less than 2 acres are exempt from this maximum density requirement.

** May exceed building floor area maximum as part of a Conditional District. See Section 15.15 for provisions related to Conditional District (CD) approval.

*** A portion, or portions, of the building may exceed the maximum setback when using the "Forecourt" or "Terrace or Light Court" frontage types as outlined in Section 2.5.4.

**** Maximum setbacks in UR, RMX, IMX and NMX are exempt along an Arterial Road.

CHAPTER 2 TABLE – HI USES

OFFICE/SERVICE	R/A	OS	MHR	SR4	SR6	NC	GC	HC	ICD	LI	HI	GR6	UR	RMX	NMX	IMX	CCMX	References
ATM	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	P	
Banks, Credit Unions, Financial Services	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	P	
Business Support Services	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	P	
Crematoria	PS	-	-	-	-	PS	PS	PS	-	PS	PS	-	-	-	-	-	-	3.4.1
Dry Cleaning & Laundry Services	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	P	
Event Center	-	-	-	-	-	-	PS	PS	-	-	-	-	-	-	-	-	-	3.4.7
Funeral Homes	P	-	-	-	-	P	P	P	P	-	-	-	-	P	P	P	P	
Home Occupation	PS	-	PS	PS	PS	-	P	P	PS	-	-	PS	PS	PS	PS	PS	PS	3.4.2
Kennels, Indoor	PS	-	-	-	-	-	PS	PS	-	PS	PS	-	-	PS	PS	PS	PS	3.4.3
Kennels, Outdoor	PS	-	-	-	-	-	-	PS	-	PS	PS	-	-	-	-	-	-	3.4.4
Medical Clinic	-	-	-	-	-	P	P	P	P	-	-	-	SUP	P	P	P	P	3.4.5
Personal Services	-	-	-	-	-	P	P	P	P	P	-	-	-	P	P	P	P	
Personal Services, Restricted	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	
Post Office	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	P	P	
Professional Services	-	-	-	-	-	P	P	P	P	P	P	-	P	P	P	P	P	
Support Services, Commercial	-	-	-	-	-	-	PS	PS	-	P	P	-	-	-	-	PS	-	3.4.6
Small Equipment Repair/Rental	-	-	-	-	-	-	P	P	-	P	P	-	-	-	P	P	P	
Veterinary Clinic	PS	-	-	-	-	PS	PS	PS	-	PS	PS	-	-	PS	PS	PS	PS	3.4.3

EDUCATIONAL/INSTITUTIONAL	R/A	OS	MHR	SR4	SR6	NC	GC	HC	ICD	LI	HI	GR6	UR	RMX	NMX	IMX	CCMX	References
Child/Adult Day Care Home (8 or less persons)	PS	-	PS	PS	PS	PS	PS	PS	PS	-	-	PS	PS	PS	PS	PS	PS	3.7.1
Child/Adult Day Care Center (More than 8 persons)	-	-	-	-	-	PS	PS	PS	PS	-	-	SUP	SUP	PS	PS	PS	PS	3.7.2
College/University	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	
Community Support Facility	-	-	-	-	-	-	PS	PS	PS	-	-	-	-	PS	PS	PS	SUP	3.7.3
Correctional Institution	-	-	-	-	-	-	-	-	-	SUP	SUP	-	-	-	-	-	SUP	3.7.4
Day Treatment Center	-	-	-	-	-	-	PS	PS	PS	PS	PS	-	-	PS	PS	PS	-	3.7.5
Hospital	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Schools – Elementary & Secondary	PS	-	-	PS	PS	PS	PS	PS	PS	-	-	PS	PS	PS	PS	PS	PS	3.7.6
Schools – Vocational/Technical	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	P	
Studio – Art, dance, martial arts, music	P	-	-	-	-	P	P	P	P	P	-	-	-	P	P	P	P	

Day Treatment Centers will be added as PS – Permitted with Standards. Professional Services and Support Services, Commercial will be permitted by right in Heavy Industrial districts. This will help facilitate the reuse of older buildings in the district.

CHAPTER 3 SUPPLEMENTAL AND TEMPORARY USE STANDARDS

3.2.1 DWELLING – TWO FAMILY [SR6, GR6, UR]

- A. **Building Location:** Two Family Dwellings shall be limited to one per block face.
- B. **Building Type:** Two-Family Dwellings (duplexes) shall be restricted to the Detached House building type as described in Section 2.5.3. A maximum of 2 units is permitted in a Detached House building type.

3.2.2 DWELLING – MULTIFAMILY AND DWELLING - TOWNHOME [SR6, GC, HC, GR6, UR, RMX, NMX, IMX, CCMX]

A. GC, HC and CCMX Districts:

- 1. Multi-Family uses shall be limited to the second and higher floors in vertical mixed-use buildings only.
- 2. Townhomes shall be limited to 33% of the proposed residential units. CCMX is exempt from this requirement.

B. GR6 District: Multifamily uses in this district shall be allowed as part of an approved Conditional District only and must comply with the following requirements.

- 1. **Building Location:** Buildings with multifamily uses shall be limited to one per block face.
- 2. **Building Type:** Buildings shall be limited to detached house building types, with a maximum of 4 units on a single lot.

C. UR, RMX, NMX and IMX Districts: Multifamily uses in these districts shall be subject to discretionary design review in accordance with Chapter 5.

3.2.1 DWELLING – TWO FAMILY [SR6, ICD, GR6, UR, RMX]

A. SR6 and GR6 Districts

- 1. Two family dwellings shall be limited to one per block face.
- 2. Two-Family Dwellings (duplexes) shall be restricted to the Detached House building type as described in Section 2.5.3. A maximum of 2 units is permitted in a Detached House.

B. ICD and RMX Districts shall be limited to in-fill lots.

3.2.2 DWELLING – TOWNHOME [SR6, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

A. SR6 AND GR6 Districts shall limit townhomes to 45% of the proposed residential units in the development.

B. All Townhome developments shall incorporate visitor parking at 25% of the required off street parking per Chapter 9.

3.2.3 DWELLING – MULTIFAMILY [GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

A. GC, HC and CCMX Districts:

Multi-Family uses shall be limited to the second and higher floors in vertical mixed-use buildings only.

B. GR6 District: Multifamily uses in this district shall be allowed as part of an approved Conditional District only and must comply with the following requirements.

Building Location: Buildings with multifamily uses shall be limited to one driveway per block face.

- C. UR, RMX, NMX and IMX Districts:** Multifamily uses in these districts shall be subject to discretionary design review in accordance with Chapter 5.

The proposed revisions are an effort to encourage a variety of housing types across all residential districts. The intent is allow creativity of development as well as affordability throughout Wilson.

3.4.6 SUPPORT SERVICES, COMMERCIAL [GC, HC, LI, HI, IMX]

A. Outdoor Storage as an Accessory Use:

1. Area may not exceed 25 percent of the site.
2. Area(s) must be located in the side or rear yard and a minimum of 100 feet from a public or private street or right-of-way.

- B. Buffering:** If site includes outdoor storage as an accessory use then a Type B buffer is required along all adjacent properties.

Establishes the HI district as applicable in the standards.

3.7.1 CHILD/ADULT DAY CARE HOME (8 OR LESS PERSONS) [R/A, MHR, SR4, SR6, NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX]

- A. Compliance with State Requirements:** Child/Adult Day-Care Homes shall meet the certification requirements of the North Carolina Department of Health and Human Service’s “Adult Day Care and Day Health Services Standards for Certification” and/or the “Family Child Care Home Regulations.” Such uses provide an organized program of services during the day in a community group setting.
- B. Location:** Child/Adult Day Care Homes shall be permitted only in a private residence occupied by the authorized operator.
- C. Separation Requirement:** All Child/Adult Day Care Homes shall be located at least 500 feet from another Child/Adult Day Care Home.
- D. Hours of operation for additional Shifts shall require a Special Use Permit.**

3.7.2 CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS) [NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. Compliance with State Requirements:** Child/Adult Day-Care Centers shall meet the requirements of the North Carolina Department of Health and Human Service’s “Adult Day Care and Day Health Services Standards for Certification” and/or the “Child Care Center Regulations.” Such uses provide an organized program of services during the day in a community group setting. Where such uses are part of a “recreation facility” offering community recreational opportunities to a wide range of age groups or residents, the day-care center may be considered part of the “recreation facility” as provided for and regulated by this ordinance. *Shift care can be provided with appropriate approval by DHHS.*
- B. Passenger Loading Space:** Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children and adults.
- C. Location in GR6 and UR Districts:** Child/Adult Day Care Centers in the GR6 and UR districts shall be located on a collector or higher order street.

These amendments are proposed as a result of requests for the inclusion of offering “shift” options for child care.

3.7.5 DAY TREATMENT CENTERS [GC, HC, ICD, LI, HI, RMX, NMX, IMX]

- A. Separation Requirement:** Centers shall be located at least 100 feet from any building in residential use.
- B. Hours of Operation:** Centers shall not operate to serve consumers/clients on-site between the hours of 9:00 p.m. and 6:00 a.m. the following morning.

Establishes the HI district as applicable in the standards.

Chapter 13 Nonconformities

13.5.2 STANDARDS FOR NONCONFORMING USES

- A. Continuation Permitted:** Any legally-established nonconforming use may be continued subject to the standards listed in this chapter. Expansions of such uses are permitted only in accordance with Section 13.5.2.B, below. Once a nonconforming use is discontinued as per Section 13.2.3, above, it may not later be reestablished or converted to any other nonconforming use.
- B. Expansion of Use:** Except as otherwise stated below, no building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such building or structure is thereafter devoted to a conforming use. However, routine maintenance of any structure containing a nonconforming use is permitted. Buildings housing nonconforming uses may be expanded, to include demolition and expanded reconstruction, upon the issuing of a Special Use Permit by the **Planning and Design Review Board of Adjustment** provided that all of the following conditions are met:
 1. The lot on which the use is located has an area of 20,000 square feet or greater (not applicable to single-family residential uses);
 The expansion, or cumulative expansions, to the building(s) containing the nonconforming use may not exceed 20% of the gross floor area of said building(s); and
 2. The expansion, or cumulative expansions, of the use on the lot itself may not exceed 20% of the lot area occupied by such use.

Chapter 15 - Administration

15.2.4 PERMIT/PROCESS TYPE TABLE

Permit/ Process Type	Section	Permit/ Process Type	Reviewing Agency	Public Notification (See 15.3)	Approving Agency	Appeal Process	Permit Period	Permit Extension
Development Compliance Certificate	15.6.1	Administrative	Admin	None	Admin	BOA	6 months 1 year	6 months
Temporary Use Permit	15.6.2	Administrative	Admin	None	Admin	BOA	See 3.12	n/a
Certificate of Occupancy	15.6.3	Administrative	Admin	None	Admin	BOA	n/a	n/a
Modification of Dimensional Standards	15.6.4	Administrative	Admin	None	Admin	BOA	n/a	n/a
Grading Permit	15.7.1	Administrative	Admin	None	Admin	BOA	3 years	Re-submit
Erosion Control Plan	15.7.2	Administrative	Admin	None	Admin	Admin, NCSCC	3 years	Re-submit
Floodplain Development Permit	15.7.3	Administrative	Admin	None	Admin	BOA	1 year	Re-submit

Permit/ Process Type	Section	Permit/ Process Type	Reviewing Agency	Public Notification (See 15.3)	Approving Agency	Appeal Process	Permit Period	Permit Extension
Watershed Development Permit	15.7.4	Administrative	Admin	None	Admin	BOA	1 year	1 year
Stormwater Management Permit	15.7.5	Administrative	Admin	None	Admin	BOA	1 year	1 year

15.6 ADMINISTRATIVE PERMITS

15.6.1 DEVELOPMENT COMPLIANCE CERTIFICATE (DCC)

H. Permit Validity: Upon the approval of the Compliance Certificate, the applicant shall have **6 months** **1 year** to obtain a building permit or otherwise begin the permitted use. Failure to secure building permits for the permitted work within this time shall render the compliance void. Upon issuance of a building permit, the Compliance Certificate shall remain valid as long as a valid building permit exists for the project. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Compliance Certificate and any subsequent building permits.

The amendments to the DCC language are to bring it into compliance with state statute.