

# Land Development Code Rewrite



## Land Development Code Rewrite: What are major differences in the new LDC?

This memorandum provides information on the major and minor changes to expect with the new Land Development Code [LDC]. The new LDC will be a significant departure from the current LDC. To emphasize, *the LDC Rewrite process is not an update or to simply provide revisions but to establish an entirely new land development code.* The below details information regarding the LDC Rewrite and how the objectives of the project have driven changes for a better LDC in Richland County.

### LDC Rewrite Objectives

- User-friendly

- *Easy to understand, navigate, and access for citizens*

User-friendliness consolidates and reorganizes the LDC structure; includes illustrations, diagrams, flowcharts, tables; uses down to earth language; and standardizes procedures for applications and submittals.

- Implement policies of Plan Richland County

- *Respond to changing housing preferences*
- *Support redevelopment & investment in commercial corridors*
- *Enable rural and working lands development*
- *Balance environmental and development concerns*
- *Ensure compatibility with military installations*

Implementing Plan Richland provides a greater range and type of housing choice than historically possible; eases the ability to undertake infill, redevelopment, and investment for commercial properties; enables preservation and continuance of rural character and working lands with appropriate zoning; allows for more open space, better conservation of land, incentives for green practices; and allows for military operations to continue and avoid encroachments.

- Align zoning districts and uses with current best-practices

- *Development in different contexts*

New districts, new uses, and new use standards allow for development in different contexts versus a one-size-fits-all approach throughout all environs of the County.

- Bring development standards into the 21<sup>st</sup> Century

- *Provide for quality development*

Through contemporary development standards, such as modernized parking standards, minimum open space requirements, design and form standards, the new code will help provide for quality development all County residents can agree upon and enhances quality of development.

- Green development

Green development practices will help provide a more sustainable County and for more sustainable development that provides benefits to all.

## Major Changes

### Article 2: Administration

- Consolidates and standardizes procedures that generally apply to all applications
- Streamlines and simplifies review process
- Details additional reviews for specific applications

Article 2 is now more approachable, easier to understand, graphic heavy. The Administration article now provides for a standard set of review procedures across all applications, where exceptions are or where additional processes are required. It makes it much more user friendly and easier to understand the process versus the current code. This provides for a major departure in regards to the overall look, feel, and approachability of the code itself, which makes it easier to understand for the everyday citizen looking to get something done. It also shows who and how things will be processed and what to expect overall.

### Article 3: Zoning Districts

- Sets forth the regulations for each zoning district
- Establishes 3 types of districts
  - Base – special purpose, residential, non-residential and mixed-use, and neighborhood master plan
  - Planned Development – allows for greater flexibility and wider range of allowed uses than base districts in return for innovative design and high quality development
  - Overlay – apply in addition to, or instead of, standards in an underlying district

This article overall is a major departure with a new look. One of the biggest changes to the zoning districts is the overall layout within the document; it provides examples, diagrams, and specifically shows how standards

apply on sites. This will be a key item related to user-friendliness for a citizen who just picks up the code, as it easily demonstrates the information and where to find relevant standards or other information.

### OLD LDC ZONING LAYOUT

**Sec. 26-09 R5-LD Residential, Single-Family - Low Density District**

(a) **Purpose:** The R5-LD District is intended as a single-family, detached residential district, and the requirements for this district are designed to maintain a suitable environment for single-family living. Non-single-family development normally permitted to provide the basic elements of a balanced and attractive residential area is also permitted.

(b) **Permitted uses, permitted uses with general requirements, and special exceptions:** See Article V, Section 26-14), Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions.

(c) **Development standards:** See also Article V, Section 26-17), Table of Area, Yard, and Height Requirements. Provided, however, if a developer can meet the requirements found within Section 26-19), the development standards of 26-19) (1) may be substituted for the standards required in this subsection. (Ord. 679-0418, 1-17-06)

(1) **Minimum lot area/minimum density:** Minimum lot area: 12,000 square feet or as determined by DDEP, but no lot shall be less than 12,000 square feet. Minimum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zone lot line dwellings at Section 26-15)(c) of this chapter. (Ord. 629-0418, 1-18-06)

(2) **Minimum lot width:** 75 feet.

(3) **Structure use standards:** None.

(4) **Setback standards:** The following minimum setbacks shall be required for principal uses in the R5-LD District:

- Front: 25 feet.
- Side: 35 feet total for side setbacks, with 5 feet minimum on any one side.
- Rear: 20 feet.

When rear lot line developments are permitted, the side setbacks shall meet the special requirements for such developments as set forth in Section 26-17) of this chapter.

The minimum side and rear setback requirements for accessory buildings/structures in the R5-LD District is five (5) feet.

The landscape and buffered standards of Section 26-17) of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

(5) **Height standards:** The maximum height of structures in the R5-LD District shall be 35 feet.

(6) **Landscape/buffered standards:** Landscaping and buffers shall be provided in accordance with Section 26-17) of this chapter.

(7) **Parking/loading standards:** Parking and loading facilities shall be provided as required by Section 26-17) and Section 26-17) of this chapter. No parking lots shall be permitted within any required setback.

(8) **Signs and outdoor advertising:** Signs and other outdoor advertising shall be provided as required by Section 26-17) of this chapter.

(9) **Signs:** Signs shall be regulated by the requirements of Section 26-17) of this chapter.

(10) **Recreation/open space standards:** Open space may be provided for new developments and expansion of existing developments in accordance with the Green Code standards of Section 26-16) of this chapter. (Ord. 677-0418, 1-17-06)

(11) **Design and operation standards:** None.

### NEW LDC ZONING LAYOUT

Several changes occurred with the zoning districts themselves including improvements to districts being carried forward, consolidation of districts, and deletion of districts.

- Density-based zoning
  - Removes minimum lot size standard in certain instances
  - Retains other size standards

- Greater variability across districts
- Consolidation of multiple districts
  - Open Space (OS) – PR & TROS
  - Residential 3 (R3) – RS-LD & RS-MD
  - Water Resources Overlay (WR-O) – C & EP
- Deletion of multiple districts
  - Rural (RU)
  - Manufactured Home (MH)
  - Office and Institutional (OI)
  - Light Industrial (M-1)
  - Town and Country (TC)
  - All redevelopment overlays
- 27 districts total

A big difference overall includes a switch to density-based zoning. This removes the current minimum lot standard – 4 du/ac max versus 10,890 lot min; saying the same thing just slightly different – main reason for this adds increased flexibility for lot design (though buildability is limited by other standards as part of the district, e.g., setbacks). Refinements also provide for greater variability across the districts that allow for more context specific development – you get appropriate sizes of lots (as well as uses) for appropriate areas versus suburban and suburban. Various districts that served similar purposes or had similar features were consolidated – such as the PR & TROS into the OS, which all deal with open space and conserving land. Numerous districts were deleted because of limited use, applicability, not achieving the stated purpose, or could be better served by another district. A big change here is the deletion of the RU district, which covers a significant portion of land within the County. It does not have a true equivalent in the new code and will be replaced by one of several different districts. The key element to remember with this is that the new districts will better match the character, function, and intent for development and growth within rural areas, having truly rural zoning as appropriate. Rural areas will be able to better maintain their character and have more appropriate densities and land uses through the new districts. Twenty-eight [28] districts are within the text; the new districts altogether serve as a mainstay for implementing Plan Richland County.

*Equivalency Tables*

NEW	DENSITY	DENSITY	OLD
AG: AGRICULTURAL	0.15	1.32	RU: RURAL
HM: HOMESTEAD	0.33	1.32	RU: RURAL
RT: RESIDENTIAL TRANSITION	0.67	1.32	RU: RURAL & RR: RURAL RESIDENTIAL
R1: RESIDENTIAL 1	1.33	2.18	RS-E: RESIDENTIAL SINGLE-FAMILY ESTATE
R2: RESIDENTIAL 2	3	3.63	RS-LD: RESIDENTIAL SINGLE-FAMILY LOW-DENSITY
R3: RESIDENTIAL 3	6	5.12	RS-MD: RESIDENTIAL SINGLE-FAMILY MEDIUM-DENSITY
R4: RESIDENTIAL 4	9	8.71	RS-HD: RESIDENTIAL SINGLE-FAMILY HIGH DENSITY
R5: RESIDENTIAL 5	12	8	RM-MD: RESIDENTIAL MULTI-FAMILY MEDIUM-DENSITY
R6: RESIDENTIAL 6	18	16	RM-HD: RESIDENTIAL MULTI-FAMILY HIGH-DENSITY
MU1: NEIGHBORHOOD MIXED-USE	8	10	NC: NEIGHBORHOOD COMMERCIAL
GC: GENERAL COMMERCIAL	16	16	GC: GENERAL COMMERCIAL

*New Zoning Districts*

There are 10 [10] new districts proposed in the new LDC. The additional district proposed for inclusion by staff is the HD: Homestead District. This would function as another truly “rural” district geared more towards residential uses with some agricultural functionality. This would allow for larger lot residences or hobby farms and fit the rural character. It is proposed with a density of 0.33 or 3-acre minimum.

- Agricultural District (AG)
  - True “rural” character
  - Working lands uses
  - Max density of 0.15 or 7-acre minimum with a required 35 ac district minimum of other AG or HM properties.
  
- Homestead District (HM)
  - True “rural” character primarily related to low-intensity residential and hobby farms; works in conjunction with the AG.
  - Rural residential land uses w/ limited working lands
  - Max density of 0.33 or 3-acre minimum

The AG and HM districts will serve to provide true “rural” districts. These will serve to be one of many potential districts replacing the current RU. These provide for increased opportunities for agriculture, very low residential, and eco-friendly commercial uses, all while being character and context appropriate for how rural areas see themselves and function.

- Mixed-Use Districts
  - Corridor Mixed-Use (MU2)
  - Community Mixed-Use (MU3)

Mixed Use Districts are intended to help support quality commercial development along corridors and near activity centers, with a focus upon walkability, integration and mixing of uses at relatively intense scales. These districts will be a significant departure from the historic development style for commercial development in the County.

- Employment District (EMP)
  - Production, manufacturing, services
  - Facilitate economic development across scattered sites

The EMP District is intended to help facilitate various employment type uses related to industrial development such as processing and manufacturing while being complementary to medium to high intensity residential and supporting commercial uses. This will serve as a district in areas to facilitate economic development for the County.

- Institutional District (INS)
  - Large site campuses and contiguous sites needing multiple uses
  - Compatibility w/ surrounding area

The INS district is for larger “campuses” for educational and other civic facilities. Helps provide for a variety of uses relevant to broader institutional uses all in one district versus the need for a hodgepodge of zoning districts.

- Planned Development - Employment Campus (PD-EC)
  - Master planned employment parks
  - Not intended for scattered sites

PD-EC is intended to help facilitate broader site development related to employment centers for industrial development and facilitates the role of integrated sites with all necessary uses (akin to company towns of yester year).

- Planned Development - Traditional Neighborhood Design (PD-TND)
  - Neo-traditional design

PD-TND centers upon human-scaled, walkable neighborhoods – provides complete neighborhoods in one (“town” center, mixed uses, integrated open space, mixture of housing types, smaller streets, service oriented commercial and retail).

- Neighborhood Character Overlay (NC-O)
  - Protect and preserve neighborhood characters
  - Limited applicability

New overlay districts are included to specifically implement land use policies and recommendations from the Comp Plan and neighborhood master plans. NC-O corresponds to adopted neighborhood plans and provides for ability to allow for protection or preservation of certain characteristics of neighborhoods – only applicable to areas with adopted neighborhood master plans. An example of the purpose includes regulating historic design features.

- Military Installation Overlay (MI-O)
  - Military compatibility and protections

The proposed LDC also establishes protections and standards for the military installations – avoid or mitigate aircraft obstructions, noise impacts, and land use incompatibilities. Military Installation Overlay Zone corresponds to the 2013 JLUS Implementation Plan.

### Article 5: General Development Standards

The new LDC consolidates all development standards into fifteen [15] sections. There are several entirely new sections in the code, some sections where previous standards were carried forward with moderate enhancements, and some sections that saw only minor refinements.

- Access Mobility & Connectivity
  - External Street Connectivity
    - Cul-de-sac restrictions
    - Planning for adjacent development
  - Connectivity Index
    - Need for connected road networks internal to a development
    - Links and nodes
    - Discourages cul-de-sacs
  - Cross access between adjoining developments

- Pedestrian connections
- Off-street Parking & Loading Standards
  - Use of pervious materials for parking
  - Minimum standards updated
    - Impervious mitigation simplified, new maximum parking spaces (in some districts)
    - New mixed-use calculation
  - New standards for large parking lots
  - Enhanced flexibility provisions (e.g., off-site or deferred parking)
  - Stacking space standards updated
  - Bicycle parking standards consolidated and refined
  - Transportation Demand Management options for reducing required parking
- Landscaping
  - Maintenance and species diversity standards
  - Transitional buffer yard standards simplified
  - Refinements to street protective yard and parking lot landscaping standards
  - New site landscaping standards
    - Minimum plantings around buildings
  - Strengthened tree protection standards
- Open Space Set Asides
  - Mandatory minimum open space requirements across development types
  - Standards related to design, configuration, and prioritization of features
  - Requirements for ownership and maintenance
  - Standards for natural features carried forward
- Cluster Development



- Ensure appropriate context and character of development in special purpose and low intensity residential districts
- Way to reduce capital costs and increase preservation of undeveloped land
- Buffering and screening of development along external roadways
- Design & Form Standards
  - Ensures development contributes to greater livability and sustainability through higher quality development
  - Applies to all Mixed-Use Districts
  - Site orientation and building form
    - Facades
    - Building spacing
    - Roofs
    - Transparency
- Neighborhood Compatibility
  - Protect character of existing neighborhoods through design and form, along with certain performance standards
  - Applies to various non-residential development
  - Affects site design and features – scale of development, intensity of use/usage
- Agricultural Compatibility
  - Protect existing agricultural uses from encroachments
  - Buffers potential impacts between uses
- Green Development Incentives
  - Establishes incentives for using resource-efficient technologies and features as part of development
  - Incentives include:
    - Increase in building height

- Increase in residential density
- Decrease in required lot area
- Reduction in minimum parking requirements
- Reduction in setbacks
- Menu-based approach for applying features

### Articles w/ Minor Changes

- Article 1: General Provisions

- Transitional Provisions

Transitional provisions stipulate how violations, complete but not yet approved applications, approved applications, and new applications will be handled with the LDC adoption. In cases where a development carries forward under the old code, that development will be deemed non-conforming and subject to those provisions.

- Article 4: Use Regulations

- Refined organization of the article

- New organization for land use table and standards

- Principal Use Hierarchy

- Classification → Category → Type

- Revised uses, permissions, and standards

- No reference to NAICS

Use regulations are reorganized to separate uses into their own sections for principal, accessory, and temporary uses. Each section has a land use table and use standards. The land use tables show references for each use standard in the table directly. The proposed LDC has a hierarchy that provides levels of uses overall including a broad *classification*, sub-grouping *category* related to functional or physical characteristic, and *type*, which specifies the individual use within the category. The new LDC is discontinuing reliance upon NAICS, with all uses in the code defined specifically. New uses were added as appropriate and others refined and consolidated that made sense, where standards were revised as well as permissions. Notably the “A” (allowed) was included for PDs. All of which provides for greater user friendliness and ease of access around uses, as well as establishing uses and use standards to help implement policies from the Comp Plan. Also provides for contemporary

uses and standards that are aligned with best practices. It also allows for uses within specific contexts across districts, an allowed use in this district would look and feel entirely different from that district but is the same use overall.

- Article 6: Land Development (Subdivision) Standards
  - References need for compliance with the LDM
  - Required block sizes
- Article 7: Nonconformities
  - Flexibility for parking and landscaping conformity
- Article 9: Definitions, rules of construction, and rules of measurement
  - Graphically illustrate terms and rules

Figure 26-9.2(7)a.1: Example of Lot Types

