



RE-NEW BERN LUO PROJECT

Stakeholder Interview Summary Report

5.12.24

Re-New Bern is a project to update New Bern’s Land Use Ordinance (or “LUO”) in an effort to make the City’s development regulations more modern, user-friendly, predictable, and easy to administer. Task 1, Project Initiation, of the Re-New Bern project includes a series of eleven project stakeholder interviews. The CodeWright team conducted stakeholder interviews in person on February 26 and 27, 2024 in the offices of the Development Services Department (though one interview was conducted via telephone). Project stakeholders are persons identified by City staff with knowledge about the City’s current LUO provisions and experience with the current development application review process. The input gathered during these interviews is instrumental in gaining a comprehensive understanding of the issues from diverse perspectives.

Individual interviewees comments are held in strict confidence. The statements made during these interviews have been summarized in this report, organized by topic area with no identification of the source of the statement. Stakeholder interviews are conducted without City staff present so interviewees may be candid with their comments.

Interviewees are encouraged to share their thoughts freely, but are all asked the following three questions:

1. **What aspects of the City’s current regulations are problematic?**
2. **What parts of the City’s current application review process are in need of improvement?**
3. **What parts of the City’s current regulation or application review process should not be changed?**

The table below lists the project stakeholders interviewed by the CodeWright team:

PROJECT STAKEHOLDERS		
Name	Title	Organization
Robert Brinson	Alderman	City of New Bern
George Chiles	Director of Public Works	City of New Bern
Scott Davis	City Attorney	Davis Hartman Wright
Jonathan Gaskins	Fire Marshall	City of New Bern
Zab Hough	Executive Director of Redevelopment Commission	City of New Bern
Tim Jackson	Senior Director, Real Estate	Weyerhaeuser
Damien Locklear	Fire Chief	City of New Bern
Jamimee Mosley	Assistant City Attorney	Davis Hartman Wright
Cliff Parson	Real Estate Attorney	Ward and Smith, P.A.
Eric Remington	Litigation Attorney	Ward and Smith, P.A.
John Thomas	Owner, Principal Engineer	Thomas Engineering, P.A





TAKEAWAYS FROM INTERVIEWS

- The Stakeholder interviewees repeatedly indicated that the current LUO lacked necessary details and depth for most processes and procedures, and this lack of depth often contributes to inconsistent interpretations. Further, the problems with inconsistent interpretation has been made worse by staff turnover. There was consensus that this LUO update would help resolve these issues since recently hired staff are viewed as competent.
- The large number of overlay districts add additional layers of complexity to administration of the LUO, and actually work against the needed flexibility to encourage redevelopment and/or preservation of resources. Due to overlay complexity, it is unclear if the overlay districts are working harmoniously or incongruently with each other and if the goals of the adopted Plans (New Bern Renaissance Plan, New Bern Vision 2038, the Greater Duffyfield Community Development Strategic Plan, etc.) are being met.
- Connectivity is important from a vehicle, pedestrian, and bicycle perspective, yet current regulations are creating connections to nowhere. The importance of connectivity was touched on by all stakeholder interviewees.

COMMENT SUMMARY

The following pages provide a summary of the input collected from these eleven project stakeholders. Individual responses are held in confidence, but general comments are organized by five different topic areas.

NEED TO CLARIFY PROCEDURES

- DRCs role is unclear. For example, they provide review of plan in SUP, yet there is not requirement for this.
- Unclear what departments should or should not participate in the review of minor projects or minor revisions.
- Some projects reviewed via email which creates additional work and unnecessary delays and confusion. This process also lacks transparency.
- Rezoning applications require information such as impact to property values which are appropriate for special use permits, not rezoning applications. Creates unnecessary additional costs and time for the applicant. Rezoning applications are now taking longer to review due to additional steps not specifically outlined in the LUO.
- Staff conflates or appears to conflate the special use permit and conditional zoning processes.
- There are no mail kiosk standards. Standards should comply USPS and ADA standards, and should not be permitted in the public right-of-way.
- Add clear performance guarantee standards that comply with NCGS and standardize public road acceptance procedures.
- Clarify when public drainage easements are required and ensure location/width allow for adequate accessibility. For example, fences and vegetation are often installed on easements which impacts access.





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- New parking standards in the downtown are positive change, yet the remainder of the City still has challenges, especially in some redevelopment areas as well as sites with multiple uses.
- Some of the 160D required elements do not appear to be fully or accurately captured in the LUO. One example is the advisory role of the Planning and Zoning Board.
- Clarify when neighborhood meetings are or are not required.
- Clarify how long a board has to make a decision so that an item is not continued indefinitely.
- The administrative process is viewed favorably when partnered with clear sign, lighting, landscaping, stormwater, etc. standards.
- A clear construction plan process is needed with a central project manager. Currently, the developer obtains approval from multiple agencies and essentially combines those approvals into a single set of plans which can inadvertently create conflicts between the different agency approvals.
- Clear review timelines for each development application type are needed.
- Clarify vesting options allowed under state law.
- Parameters for TIAs needed.

NEED MORE FLEXIBILITY

- Allow a variety of residential lot widths, with no lots less than 50 feet for single-family detached homes.
- Encourage a variety of open space options that interface with wildfire protection.
- The current PUD standards are viewed favorably by the development community due to flexibility; yet create implementation challenges for staff due to the vast variability of standards in each PUD.
- Historic preservation provisions often conflict with needed redevelopment flexibility.
- Conditional zoning in other cities and towns in North Carolina work great and the development community viewed as an opportunity for New Bern.
- Redevelopment and reuse of existing sites and structures needs to be streamlined.

OVERLAY DISTRICTS ARE CHALLENGING

- The standards can be difficult for staff to decipher and are overlay complex.
- Redevelopment areas can have multiple overlay districts which is counterproductive to redeveloping portions of the City.
- Difficult for the average person to interpret and understand.
- Trying to navigate between stormwater mitigation and what one is allowed to do is muddy because of contradictions.





NEED INCREASED STAFF CAPACITY

- The DRC only meets once a month. This is necessary due to limited staff capacity yet is viewed as non-developer friendly since it adds additional days to the plan review timeline.
- One planner reviews and process development applications.
- Due to lack of staff, some tasks such as orders from the Board of Adjustment are taking months to receive.
- New staff has been very supportive when working towards solutions and is viewed as competent.

STREET AND DRIVEWAY CONNECTIVITY AND DESIGN

- Details related to driveway and road separation requirements are needed.
- Commercial and residential driveway widths at the right-of-way need to meet best practice standards.
- Limit the use of gravel driveways adjacent to public right-of-way.
- Comply with Fire Code.
- Update to public road and private drive connectivity standards.
- Clarify the number of points of ingress/egress required for residential and commercial developments.
- Additional sidewalk and bike path connections requirements needed.

