

LDC Section	Current Language	Proposed language
14-75 Agricultural-Residential District	(b) <i>Permitted uses.</i> The following uses are permitted as a principal use: (1) Single-family, or individual modular homes that utilize: a. An individual well and septic tank at a density of one dwelling per acre (based on the gross land area of a development); or b. A public water supply system at a density of 1.5 dwellings per acre (based on the gross land area of a development).	(b) <i>Permitted uses.</i> The following uses are permitted as a principal use: (1) Single-family, or individual modular homes that utilize: a. An individual well and septic tank at a density of one dwelling per acre, 40,000 square feet minimum lot area (based on the gross land area of a development); or b. A public water supply system at a density of 1.5 1.45 dwellings per acre, 30,000 square feet minimum lot area (based on the gross land area of a development).
14-75 Agricultural-Residential District	(c) <i>Special use districts.</i> For the agricultural-residential district, the following special use districts are established as a parallel special use district, pursuant to G.S. 153A-340. Under each special use district the uses listed may be established only after issuance and recordation of a special use permit in accordance with the procedures and conditions specified in article IV of this chapter. (12) Subdivisions that request residential sewer service of up to 1.5 dwelling units per acre that are contiguous or immediately adjacent to existing residential development with public sewer service and must be able to be served by construction of new gravity lines (no new pump station required) which will be tributary to existing sewer infrastructure.	(c) <i>Special use districts.</i> For the agricultural-residential district, the following special use districts are established as a parallel special use district, pursuant to G.S. 153A-340. Under each special use district the uses listed may be established only after issuance and recordation of a special use permit in accordance with the procedures and conditions specified in article IV of this chapter. (12) Subdivisions that request residential sewer service of up to 1.5 dwelling units per acre that lie within the Outlying Residential Sewer Service Area, and are contiguous or immediately adjacent to existing residential development with public sewer service, and must be able to be served by construction of new gravity lines (no new pump station required) which will be tributary to existing sewer infrastructure.

LDC Section	Current Language	Proposed language
14-103 Environmentally Sensitive Area District (ES)		(d) <i>Density regulations.</i> (1) Residential development is permitted at an overall density of one dwelling unit per acre (40,000 square feet minimum lot size) of gross land area.
14-105 Water Supply Watershed Protection District (WSW)	(k) <i>Permitted uses.</i> (1) The following uses are permitted as a principal use in the watershed protection district provided such uses are also permitted in the underlying zoning district and providing that the requirements stated in this section and this article. a. <i>Critical area.</i> 1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. 2. Silviculture, using BMPs required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101.0209). 3. Residential development. 4. Nonresidential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils or septage, mining and quarrying activities and the storage of toxic and hazardous materials unless a spill containment plan is implemented. b. <i>Protected area.</i> 1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural,	(k) <i>Permitted uses.</i> (1) The following uses are permitted as a principal use in the watershed protection district provided such uses are also permitted in the underlying zoning district and providing that the requirements stated in this section and this article. a. <i>Critical area.</i> 1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. 2. Silviculture, using BMPs required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101.0209). 3. Residential development. (one dwelling unit per acre, 40,000 square feet minimum lot size). 4. Nonresidential development, excluding landfills and sites for land application of residuals or petroleum contaminated soils or septage, mining and quarrying activities and the storage of toxic and hazardous materials unless a spill containment plan is implemented. b. <i>Protected area.</i> 1. Agriculture, subject to the provisions of the Food Security Act

LDC Section	Current Language	Proposed language
	Conservation and Trade Act of 1990. 2. Silviculture, using BMPs required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101.0209). 3. Residential development.	of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. 2. Silviculture, using BMPs required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101.0209). 3. Residential development. (one dwelling unit per acre, 40,000 square feet minimum lot size).
14-106 Municipal Transition District (MTD)	(c) <i>Permitted uses.</i> (1) In addition to the uses permitted in the underlying zoning district, the following uses are permitted as a principal use in the municipal transition district: a. Residential development at a density of 2.5 dwelling units per acre of gross land area. b. Residential development at a density of 4.0 dwelling units per acre of gross land area. (2) The following standards shall apply: a. All dwelling units must be connected to a county or municipal water supply and sanitary sewer system, or an alternative sanitary sewer system acceptable to the county. b. All 4.0 units per acre developments must be located on an arterial or collector street as identified in the county design manual. c. Minimum building setback requirements: 1. The minimum building setback for a 2.5 unit per acre development shall be 25 feet from	(c) <i>Permitted uses.</i> (1) In addition to the uses permitted in the underlying zoning district, the following uses are permitted as a principal use in the municipal transition district: a. Residential development at a density of 2.5 2.0 dwelling units per acre of gross land area. b. Residential development at a density of 4.0 dwelling units per acre of gross land area. (2) The following standards shall apply: a. All developments permitted by section 14-106(c)(1)(a) must be connected to a county or municipal water supply and sanitary sewer system, or an alternative sanitary sewer system acceptable to the county each dwelling must be approved for an on-site waste disposal system by Johnston County Environmental Health. b. All developments permitted by section 14-106(c)(1)(b) must be connected to a county or municipal water

LDC Section	Current Language	Proposed language
	any street right-of-way and ten feet from any interior lot line. 2. The minimum building setback for a 4.0 unit per acre development shall be five feet from any street right-of-way and interior lot line. 3. The minimum building setback from any access easement shall be 15 feet. (3) A zero lot line is allowed whereby a structure is allowed with no setback from one interior lot line as long as the minimum building setback for the corresponding opposite interior lot line is a minimum of 20 feet for a 2.5 unit per acre development and ten feet for a 4.0 unit per acre development. (d) <i>Provision of common open space or recreation area requirements.</i>	supply and sanitary sewer system. Minimum lot size shall be 10,000 square feet. bc. All developments permitted by section 14-106(c)(1)(b) must be located on an arterial or collector street as identified in the county design manual. ed. Minimum building setback requirements: 1. The minimum building setback for developments permitted by Section 14-106(c)(1)(a) shall be 25 feet from any street right-of-way and ten feet from any interior lot line. 2. The minimum building setback for developments permitted by Section 14-106(c)(1)(b) shall be 5 feet from any street right-of-way and interior lot line. 3. The minimum building setback from any access easement shall be 15 feet. (3) A zero lot line is allowed whereby a structure is allowed with no setback from one interior lot line as long as the minimum building setback for the corresponding opposite interior lot line is a minimum of 20 feet for a 2.50 unit per acre development and ten feet for a 4.0 unit per acre development. (d) Special uses. (1) Planned developments are allowed as a special use in conformance with the standards set forth in Sections 14-257(k), 14-257(l) and 14-257(m) of this Article. (de) <i>Provision of common open space or recreation area requirements.</i>

LDC Section	Current Language	Proposed language
14-257 Special Use Standards	(l) <i>Planned development-housing (PDH)</i>. The following regulations and requirements apply to a planned development-housing (PDH), defined for purposes of this article as a planned development primarily for dwellings and related uses and facilities. (1) <i>Intent</i>. With respect to timing of development of a particular PDH, it is intended that in addition to other policies and limitations set forth in this article, consideration shall be given to general housing needs in the county as a whole and in the subcommunity in which the development is proposed, and the need for particular types of housing. In such consideration, due weight shall be given to availability of existing supply of housing types for which there is evident need in view of the age and economic characteristics of the population, and to the amount and types of potential housing being developed. PDH projects may contain a mix of single- and multifamily dwelling units. PDH developments shall be located in the Interstate Highway Interchange district, or sewer service area. (2) <i>Minimum land area</i>. The minimum land area required for a zoning lot containing a PDH shall be 100 acres. (3) <i>Permitted uses</i>. The principal and accessory uses of land or structures within a PDH shall be as follows: a. Dwelling, single-family.	(l) <i>Planned development-housing (PDH)</i>. The following regulations and requirements apply to a planned development-housing (PDH), defined for purposes of this article as a planned development primarily for dwellings and related uses and facilities. (1) <i>Intent</i>. With respect to timing of development of a particular PDH, it is intended that in addition to other policies and limitations set forth in this article, consideration shall be given to general housing needs in the county as a whole and in the subcommunity in which the development is proposed, and the need for particular types of housing. In such consideration, due weight shall be given to availability of existing supply of housing types for which there is evident need in view of the age and economic characteristics of the population, and to the amount and types of potential housing being developed, and to adequate capacity of public water supply and public sewer. PDH projects may contain a mix of single- and multifamily dwelling units. PDH developments shall be located in the Interstate Highway Interchange district, or sewer service area Municipal Transition Overlay District. (2) <i>Minimum land area</i>. The minimum land area required for a zoning lot containing a PDH shall be 100 50 acres. (3) <i>Permitted uses</i>. The principal and accessory uses of land or structures within a PDH shall be as follows:

LDC Section	Current Language	Proposed language
	b. Dwelling, two-family (duplex). Note: Counted as one unit in density calculations. c. Multifamily (permitted only within the Interstate Highway Interchange district). d. Residential support facilities (clubhouses, pools, recreation areas). e. Schools. f. Public service facilities (fire, EMS, and police stations, or utility structures). g. Home occupation. h. Accessory use customarily incidental to a permitted use. (4) <i>Intensity regulations.</i> a. <i>Interstate Highway Interchange.</i> Residential development is permitted at an overall density of six dwelling units per acre of gross land area. If only single- and two-family housing types are planned, an overall density of four units per acre is permitted. b. <i>Sewer Service Area.</i> Residential development is permitted at an overall density of 1.5 dwelling units per acre of gross land area.	a. Dwelling, single-family. b. Dwelling, two-family (duplex). Note: Counted as one unit in density calculations. c. Multifamily (12 dwelling units per acre density maximum). (permitted only within the Interstate Highway Interchange district). d. Residential support facilities (clubhouses, pools, recreation areas). e. Schools. f. Public service facilities (fire, EMS, and police stations, or utility structures). g. Home occupation. h. Accessory use customarily incidental to a permitted use. (4) <i>Intensity regulations.</i> a. <i>Interstate Highway Interchange</i> <i>Municipal Transition Overlay District.</i> Residential development is permitted at an overall density of six dwelling units per acre of gross land area. If only single- and two-family housing types are planned, an overall density of four units per acre is permitted. b. <i>Sewer Service Area.</i> Residential development is permitted at an overall density of 1.5 dwelling units per acre of gross land area.
	(6) <i>Provision of common open space or recreation area requirements.</i> b. At minimum, 50 percent of the total amount of open space required shall be located throughout the residential area.	6) <i>Provision of common open space or recreation area requirements.</i> b. At minimum, 50 percent of the total amount of open space required shall be provided and located throughout the residential area. These integrated areas shall be

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	These integrated areas shall be no less than 20,000 square feet and designed as to invite residents for passive and/or active recreation uses. A mix of designs shall be encouraged such as neighborhood parks, playgrounds; and corridors for walking trails. A portion of these areas may be built upon for amenities.	no less than 20,000 square feet and designed as to invite residents for passive and/or active recreation uses. A mix of designs shall be encouraged such as neighborhood parks, playgrounds; and corridors for walking trails. A portion of these areas may be built upon for amenities.
	(7) <i>Payments in lieu of provision or dedication.</i> In lieu of providing or dedicating common open space or recreation area required pursuant to this section, a developer of a subdivision or planned development may, with the approval of the board of commissioners, where appropriate, make a payment to the county whereby the county may acquire common open space land. The county shall use such payment only for the acquisition or development of open space, recreation, or park sites to serve residents of the county. The amount of the payment shall be the product of the total number of dwelling units recorded multiplied by the fee established in the county's annual schedule of fees.. The developer shall make the payment before approval of a final plat.	(7) <i>Payments in lieu of provision or dedication.</i> In lieu of providing or dedicating the required minimum common open space or recreation area required pursuant to this section, a developer of a subdivision or planned development may, with the approval of the board of commissioners, where appropriate, make a payment to the county whereby the county may acquire common open space land. The county shall use such payment only for the acquisition or development of open space, recreation, or park sites to serve residents of the county. The amount of the payment shall be the product of the total number of dwelling units recorded multiplied by the fee established in the county's annual schedule of fees. The developer shall make the payment before approval of a final plat.
	(m) <i>Planned development-mixed use (PDM).</i> The following regulations and requirements apply to a planned development-mixed use, defined for purposes of this article as a planned development that provides for the coordinated and balanced	(m) <i>Planned development-mixed use (PDM).</i> The following regulations and requirements apply to a planned development-mixed use, defined for purposes of this article as a planned development that provides for the coordinated and balanced development of residential, office

LDC Section	Current Language	Proposed language
	development of residential, office and commercial uses and their necessary support functions. Planned development mixed-use shall only be permitted within the Interstate Highway Interchange overlay district.	and commercial uses and their necessary support functions. Planned development mixed-use shall only be permitted within the Interstate Highway Interchange Municipal Transition Overlay district.
	(5) <i>Provision of common open space or recreation area requirements.</i> All planned unit developments-mixed uses shall provide or dedicate common open space or recreation areas suitable for the resident's common passive or active recreational use as follows: a. For a PDM, its total open space or recreation land area shall be at least 15 percent of the total gross land area of the development. All wetlands and/or riparian buffer areas shall be designated as common open space, however, these areas will not count toward the amount of required open space. The board of commissioners may accept alternatives to these minimum requirements with the use of public or private amenities.	(5) <i>Provision of common open space or recreation area requirements.</i> All planned unit developments-mixed uses shall provide or dedicate common open space or recreation areas suitable for the resident's common passive or active recreational use as follows: a. For a PDM, its total open space or recreation land area shall be at least 15 20 percent of the total gross land area of the development. All wetlands and/or riparian buffer areas shall be designated as common open space, however, these areas will not count toward the amount of required open space. The board of commissioners may accept alternatives to these minimum requirements with the use of public or private amenities.
	(6) <i>Payments in lieu of provision or dedication.</i> In lieu of providing or dedicating common open space or recreation area required pursuant to this section, a developer of a subdivision or planned development may, with the approval of the board of commissioners, where appropriate, make a payment to the county	(6) <i>Payments in lieu of provision or dedication.</i> In lieu of providing or dedicating the required minimum common open space or recreation area required pursuant to this section, a developer of a subdivision or planned development may, with the approval of the board of commissioners, where appropriate, make a payment to the county

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	whereby the county may acquire common open space land.	whereby the county may acquire common open space land.
14-155 Standards for design of noncommercial lots in a minor subdivision	Lots created pursuant to these provisions shall meet the following minimum design standards: (a) Minimum land area need to subdivide a lot is 1.33 acres based on a 1.5-unit-per-acre density for lots served by public water, or two acres based on one-unit-per-acre density for lots served by a well.	Lots created pursuant to these provisions shall meet the following minimum design standards: (a) Minimum land area need to subdivide a lot is 1.33 1.37 acres based on a 1.5- 1.45 unit-per-acre density (30,000 square feet minimum lot size) for lots served by public water, or 2 acres based on one-unit-per-acre density for lots served by well and septic (40,000 square feet minimum lot size). Minimum land area needed to subdivide a lot in the Water Supply Watershed Protection District or Environmentally Sensitive Area District is 2 acres based on 1 unit per acre density (40,000 square feet minimum lot size) for lots served by public water or well.
14-552 Nonconforming lots	(a) <i>Definition.</i> A nonconforming lot is a lot that was lawfully created prior to the effective date of this article or a subsequent amendment thereto, but does not conform to the minimum land area or minimum lot width requirements established in article II of this chapter for the zoning district in which it is located.	(a) <i>Definition.</i> A nonconforming lot is a lot that was lawfully created <u>or approved as part of a preliminary subdivision plat that remains valid and unexpired, or for which a subdivision application was lawfully submitted in accordance with article III of this Chapter</u>, prior to the effective date of this article or a subsequent amendment thereto, but does not conform to the minimum land area or minimum lot width requirements established in article II of this chapter for the zoning district in which it is located.

LDC Section	Current Language	Proposed language
14-552	(b) <i>Required combination or recombination.</i> Where a nonconforming lot abuts another lot of record (whether conforming or nonconforming) held in the same ownership at or subsequent to enactment of this chapter, such lots shall be combined or recombined as necessary to form a conforming lot or lots and shall not thereafter be subdivided except in compliance with all the requirements of this chapter. (c) <i>Use.</i> Where a nonconforming lot cannot be combined or recombined with other such lots to form a conforming lot or lots, such nonconforming lot may be used subject to the compliance of the intended use and structure with applicable use regulations and with applicable intensity, setback and height regulations. However, any use, such as a two-family or multifamily dwelling, that requires a greater land area than the minimum land area listed in article II of this chapter for the appropriate zoning district shall not be permitted on a lot which does not conform to such minimum land area requirement. If compliance of the structure intended on the nonconforming lot with applicable setback regulations is not reasonably possible, the nonconforming lot may be used as a building site subject to the granting of a variance from such setback regulations by the board of adjustment in accordance with the provisions of this article.	-(b) Required combination or recombination. Where a nonconforming lot abuts another lot of record (whether conforming or nonconforming) held in the same ownership at or subsequent to enactment of this chapter, such lots shall be combined or recombined as necessary to form a conforming lot or lots and shall not thereafter be subdivided except in compliance with all the requirements of this chapter. -(b) Use. Where a nonconforming lot cannot be combined or recombined with other such lots to form a conforming lot or lots, such <u>Nonconforming lots</u> may be used, <u>developed, or improved subject to the compliance of in accordance with the intended use and structure with applicable use, regulations and with applicable</u> intensity, setback and height regulations <u>provided in article II of this chapter</u>. However, any use, such as a two-family or multifamily dwelling, that requires a greater land area than the minimum land area listed in article II of this chapter for the appropriate zoning district shall not be permitted on a lot which does not conform to such minimum land area requirement. If compliance of the structure intended on the nonconforming lot with applicable setback regulations is not reasonably possible <u>for a structure intended on a nonconforming lot</u>, the nonconforming lot may be used as a building site subject to the granting of a variance from such setback regulations by the board of

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		adjustment in accordance with the provisions of this article.
14-557 Nonconformity survey and notice	(a) Within 18 months after the effective date of this chapter, or subsequent amendment thereto, the county manager shall conduct an inventory of all nonconforming uses, and other significant nonconforming features existing within the county's jurisdiction. (b) On completion of the inventory, the county manager shall notify the owner of the property on which each nonconformity is located of the determination of nonconformity, the reasons thereof, and the deadlines, where applicable, for compliance with the provisions of this article.	(a) Within 18 months after the effective date of this chapter, or subsequent amendment thereto, the county manager shall <u>attempt to</u> conduct an inventory of all nonconforming uses, <u>lots</u> and other significant nonconforming features existing within the county's jurisdiction. (b) On<u>Upon</u> completion of the inventory, the county manager shall notify the owner of the <u>nonconforming lot, or the</u> property on which each nonconformity is located, of the determination of nonconformity, the reasons thereof, and the deadlines, where applicable, for compliance with the provisions of this article <u>as amended</u>.