

Town of Selma  
Joint Meeting of the Town Board  
and Planning Board  
September 16, 2014

Technical assistance provided by  
**Division of Community Assistance**  
N.C. Department of Commerce



# Introduction

## **Betsy Kane, J.D., Senior Planner**

- Central Regional Office (Raleigh)

## **Community Planning Program**

- Since 1957, provides professional technical assistance in planning, zoning, community revitalization, and related areas
- Provided to towns and counties upon request

Diagnostic Review  
of  
Development Regulations  
and Policies

# Background of Project

- **Origin:** Initiated at the request of Town staff
  - Challenges were noted in administering and interpreting the zoning ordinance and related policies
  - Regulations have been added and changed over the years (as happens in many towns)
  - Result: Patchwork, inconsistencies, omissions, lack of clarity, questions about how to interpret, etc.

# Background of Project

- **Project scope**

- **Review** the Town's existing development regulations

- Zoning and subdivision ordinances, development manual, related policies and practices

- **Evaluate** them

- Compare to up-to-date best practices
    - Consider the Town's needs, geographic and socio-economic data, patterns of land use
    - Local field visits and interviews

- **Make recommendations** for improving the regulations

- Report with detailed analysis

# Summary of recommendations

- Overall: Primary need is general update and overhaul of the development regulations
  - Regulations do not cohere, are internally inconsistent, organization is not user-friendly (scattered)
  - Some provisions are not formally enacted or may be unenforceable due to vagueness
  - Substantively, out-of-date or adapted from other towns, not well suited to Town's current needs; regulations do not reflect best practices in zoning

# Summary of recommendations

- Overall: Primary need is general update and overhaul of the development regulations
  - Organize the development regulations in a logical, user-friendly way (by topic and process; numbering and layout that allows for easy navigation)
  - Update, clarify, remove conflicting provisions; ensure all regulations are enacted & enforceable
  - Update regulations to modern best practices, tailored to meet Selma's particular needs and work well for the town

# Development Regulations

- Zoning districts
  - Inconsistent and conflicting district names in the ordinance
  - Long, unwieldy lists of permitted uses (hard to read)
  - Outdated use types (“Record and tape store”, etc.)
  - Modern use types not accommodated; have to stretch to interpret

Recommendation: Reformulate the list of zoning districts, make districts that work for Selma. Consolidate the allowed uses into an easy-to-use table and apply modern use groupings.

# Development Regulations

- Industrial zoning
  - Too many heavy industrial uses allowed in the “light” industrial district (I1) (trucking terminals, airports, laundry plants)

Recommendation: Limit the uses in I1 to create a true light industrial district, reserving the heaviest use types for I2 Heavy Industrial.

Review extent of I1 and I2 lands to address compatibility issues with nearby land uses (lighter commercial areas, residential neighborhoods)

# Development Regulations

- CB (downtown) zoning
  - Overall, allows mostly appropriate uses for a downtown setting. Parking exemption

Recommendation: Apply some basic standards to ensure new development takes an appropriate form for a storefront-oriented downtown district.

Conduct a review (compare the downtown Selma revitalization plan to the zoning rules) to be sure that zoning helps carry out identified goals and best zoning practices for downtowns

# Development Regulations

- GB and IB zoning
  - (General Business, Interstate Business)

## Recommendation:

For the GB and IB districts, review the district regulations and descriptions for appropriate allowed uses and to ensure that adequate standards apply to development in these areas.

# Development Regulations

- R8, R10 and R20 districts
  - High density, medium density, low density residential
  - Severe mismatch between district extent and population/income trends in Selma
  - Unclear basis for widespread application of R8
  - R20 is odd mix of rural agricultural and suburban zoning rules

Recommendation: Review the R8, R10 and R20 districts as part of a general zoning update and also in an update of the Town's land use plan.

Ensure that geographic application of districts allows the Town's to manage long-term public costs of services.

Need a Land Use Plan update to evaluate this and other factors reliably.

# Development Regulations

- MHP Mobile Home Park district
  - Six instances of this zoning; density limit 4 units per gross acre
  - Density limit impedes development, but quality standards are lacking

**Recommendation:** Apply locally appropriate quality development standards to MHPs. Apply an appropriate density that allows for characteristic intensity of the use.

(General principle in zoning: Allow the right thing and prohibit the wrong thing, rather than making the rules functionally impossible for good actors)

# Development Regulations

- TR Transitional Residential district
  - Stated goal is to “preserve residential and historic character”
  - Allows certain lighter commercial uses (schools, shops, offices, sit-down restaurants, day care)

Recommendation: Exempt this district from parking lot requirements that destroy historic and residential character. Apply some basic development standards so that district sustains character of the area. Screening and other visual / functional standards will help.

# Development Regulations

- Other districts: IN Institutional, NB Neighborhood Business, IHI Interstate Interchange; Special Use districts and Overlay districts
  - Some districts are not on the zoning map, have duplicative names or conflicting provisions, etc.

**Recommendation: Ensure overlay and Special Use District regulations are framed and applied in accordance with state law. Harmonize district designations and regulations.**

# Development Regulations

- Development Standards
  - Ordinance lacks essential standards for landscaping, buffering and screening, fencing, parking lots, subdivision improvement engineering specs, etc.
  - Parking and loading standards are confusing, inconsistent, duplicative, lacking in some aspects

Recommendation: Adopt a set of good-quality landscaping and visual screening standards.

Revise parking and loading rules to have consistent, clear standards, pavement specs, layout requirements.

# Development Regulations

- Definitions
  - Lacking in clarity
  - Many terms used in ordinance are not defined
  - Lack of clarity requires frequent interpretation, leads to delay, unusability

**Recommendation:** As part of a general zoning code overhaul, ensure that a complete and clear set of definitions are included to define all key terms used in the ordinance.

# Development Regulations

- Interpretation, administration, enforcement, and procedures
  - Unstated: Who is responsible for interpreting?
  - Lack of rules provided to guide interpretation
  - Procedures not consistently observed

Recommendation: Set forth clearly what official is responsible for interpreting the ordinance, along with rules for interpretation.

Take care to conduct official actions precisely in accordance with ordinance procedures and state law. Follow public meetings law, term appointments of board members, legal procedure requirements to avoid legal challenges or having to re-do public actions

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Recommendation: Set forth clearly what official is responsible for interpreting the ordinance, along with rules for interpretation.

Boards: Take care to conduct official actions precisely in accordance with ordinance procedures and state law. Follow public meetings law, appoint board members per ordinance rules, follow legal procedure requirements – to avoid legal challenges or having to re-do public actions

# Development Regulations

- Interpretation, administration, enforcement, and procedures
  - Unstated: Who is responsible for interpreting?
  - Lack of rules provided to guide interpretation
  - Procedures not consistently observed

Staff: (Long-term project as resources allow) Create a compete, searchable and indexed file of all permits and interpretations.

Link permit data such as Special Use Permits to GIS records (electronic mapping) to allow lookup of permit conditions, to be able to apply radius/separation requirements easily, etc.

# Development Regulations

- Subdivision and street standards
  - Town appears not to have any enacted standards for street engineering and construction.
  - Design Manual is not enacted

Recommendation: Enact a subdivision ordinance (or UDO) that includes sufficient subdivision, street design, and engineering standards) in accordance with the process laid out in state law.

Ensure one consistent and comprehensive set of standards and procedures is in force for subdivision design, improvement, and review / approval.

# Land Use Plan

- Selma's geographic and socio-economic position:
  - Interchange of major highways and railroads
  - Economic, demographic trends (regional population is static)
  - Large amounts of land in town jurisdiction, including major commercial and industrial sites; declining or stable residential areas
  - Land use planning is critical to towns' fiscal well-being, being a major source of revenue as well as costs!

**Recommendation:** Ensure a rational, comprehensive, and considered response to Selma's challenges by undertaking a Land Use Plan update using solid economic analysis.

# Land Use Plan

## Specific recommendations:

- Update the Future Land Use Map
- Consider how to manage and boost the Town's fiscal health in the face of declining regional incomes and population
- Review extent of industrial and commercial lands; consider scenarios for use and re-use, ways to improve compatibility with nearby neighborhoods and centers
- Plan ways to maximize usefulness of Selma's position as transportation hub (rail and road)
- Follow "placemaking" strategies to recover the community image and quality of life, add worthwhile social activity and property value to existing places
- Ensure a robust citizen participation and community involvement in the formulating of the Land Use Plan

# Land Use Plan

## Overall Recommendation:

Undertake a general update to the Land Use Plan to help Selma

- Capitalize on its many strengths,
- Meet essential challenges,
- Ensure fiscal sustainability (minimizing public liabilities), and
- Guide strategic decision-making by Town government.

A real estate economist should be involved to help answer economic questions about lands, potentials, the Town's fiscal picture, and how to manage population decline

# Policies and Programs

- ETJ and annexation policy:
  - Coherent fiscal and capital improvement policy is not well documented or consistently applied
  - Annexation, rezonings policy need guidance to prevent long-term liabilities
  - Legislative changes attacking longstanding powers of towns and cities = new challenges for municipal finance

**Recommendation: Require petition for voluntary annexation before granting commercial development permissions (rezonings) or provision / extension of municipal services**

# Policies and Programs

- Rental housing:
  - High percentage of rental housing produces a cycle of declining homeownership (by owner-occupants)

**Recommendation:** Adopt a rental property ordinance to ensure that landlords are accountable for the way their properties affect neighboring properties. Landlording is a business; the cost of doing business should fall on the landlord, not the neighborhood.

# Policies and Programs

- Code enforcement and dereliction of properties:
  - Nuisance conditions are a symptom
  - Underlying causes: Declines in demand & low property values; low homeowner occupancy; commercial incomes not high enough to support maintenance of property in good repair
  - Sometimes zoning policies are at fault (allow incompatible uses to encroach, make nonconformities)
  - Adding too much commercial real estate undercuts value of existing sites (supply and demand)

# Policies and Programs

## Recommendations:

- Avoid adding too much commercial space in response to rezoning petitions
- Evaluate supply and demand, what the locality can support
- Boost home values by:
  - Removing incompatible zoning provisions that inhibit demand for owner occupancy of homes
  - Applying “placemaking” principles in public policy
  - Applying a rental occupancy ordinance

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# Discussion

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