
Coates' Canons Blog: 2018 Survey Results Are In

By David Owens

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Are North Carolina cities and counties making more use of conditional zoning?

Are the approval rates for variances and special use permits going up or down in North Carolina?

Are form-based codes and standards only something we read about, or are they actually being implemented in our state?

Are cities abandoning use of extraterritorial planning and development regulation?

These are great questions. Many of us who work in this field think we know the answers. But reality sometimes shows our assumptions and perceptions are less than entirely accurate.

To learn what is really happening on the ground, the School of Government periodically surveys all North Carolina cities and counties about their planning and development regulation practices. We conducted our sixth such survey in 2017-18. Prior surveys were conducted in 2002-03, 2004-05, 2006-07, 2008-09, and 2011-12. After a few delays occasioned by the COVID-19 pandemic and the enactment of Chapter 160D, we now have a report on the survey results. The full survey report is online [here](#). A few of the answers to the questions above are a bit surprising.

The most recent survey of North Carolina cities and counties regarding planning and development regulations was conducted from the fall of 2017 through the spring of 2018. As with prior surveys, response levels were high: 356 cities and counties completed the survey. The population of these responding jurisdictions was 83% of the state's population, providing a good snapshot of what is going on around the state and allowing for a comparison of trends relative to previous survey responses (which all had similar response rates).

There are two reports posted on the 2018 survey results. A previous report on the plan consistency statement responses from the 2018 survey is online [here](#). Responses to all of the other questions are included in the new report, which is online [here](#). A list of all reports from the previous five surveys is online [here](#).

Here are some of the highlights from the report.

Application Levels. The survey asked cities and counties to report the number of applications they had received in the previous year for various types of development decisions – rezonings, text amendments, development agreements, special use permits, variances, appeals, site plans, and subdivision plats. For the most part, the number of applications received were about at the same levels reported in 2011, but still considerably less than the numbers reported in 2005.

Approval rates for most decisions were high, often in the 75% to 95% range. There were, however, noticeable differences between cities and counties and among jurisdictions with differing population levels for several types of development approvals. For example, variances continue to be harder to obtain in lower population jurisdictions, and counties approve preliminary plats at a higher rate than cities.

One notable trend is that fewer requests are being made for variances and special use permits. This continues a trend in recent years towards more use of legislative and administrative review of development proposals than quasi-judicial reviews.

Conditional Zoning. Cities and counties are increasingly using conditional zoning. In 2006, just over a third of the respondents reported use of conditional zoning. By 2018, more than half the respondents reported using conditional zoning. Those jurisdictions that have moved to use of conditional zoning make heavy use of it, with over half of their

rezonings being to conditional districts rather than conventional districts. This trend is particularly pronounced in cities with populations over 25,000.

Form-based Standards. North Carolina cities and counties are increasingly incorporating form-based standards into their development regulations. While a full form-based code is still rare in North Carolina, nearly a third of the cities with populations over 25,000 reported that they have some form-based zoning districts. Even more jurisdictions say they have incorporated some form-based standards into their zoning regulations.

Plat Reviews. In the past, most subdivision regulations included only objective standards, making plat review and approval an administrative decision. Somewhat surprisingly, 28% of the responding jurisdictions in 2018 reported incorporation of discretionary standards into plat reviews. Counties were modestly more likely to do so, with high population cities least likely to do this. About half of the respondents only apply their subdivision regulations to residential developments, while others include multi-family, multi-use, commercial, and other types of developments. About two-thirds of the jurisdictions report that they allow private streets in new subdivisions, with counties much more likely to do so than cities.

Others. A few other notable trends are reported. Use of unified development ordinances continues to expand, going from a quarter of the respondents in 2004 to over half in 2018. Very few development moratoria are now being adopted. Only 3% of the responding jurisdictions adopted a moratorium in the previous year, compared to 25% who had done so in 2004. Cities reported little change in their use of extraterritorial planning and development regulation jurisdiction. While there was little reported expansion of ETJ areas, most cities retained their previously established ETJ areas.

The full report has the details on all of this and more. The report also includes tables breaking down many of the responses by city and county respondents of differing population levels so that the reader can check for both overall responses and responses from peer jurisdictions. The report also includes a full list of responding jurisdictions.

Links

- www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/PZLB%2030.pdf
- www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/20180809_PZLB27_2018-11-30_0.pdf
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