

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – September 10, 2013
Board of County Commissioners – September 16, 2013

Applicant: Administrator, Division of Planning

Application Number: ZTA 10995 Pender County

Text Amendment Proposal: The request consists of amending Section 7.10, Off-Street Parking and Loading/Parking Requirements; within the Pender County Unified Development Ordinance.

Background: The following text amendment is the result of various administrative discussions and situational circumstances that have been brought to Staff's attention since the effective date of the Pender Country Unified Development Ordinance.

Administrator/Planning Board Recommendation: The Administrator respectfully recommends amending the Unified Development Ordinance as described in the staff report.

The proposed amendment serves to create a process that will bring greater flexibility in both the Administration of and compliance with the parking requirements of the Unified Development Ordinance. Currently, commercial site development applicants are required to comply with **7.10.1 Minimum** (minimum parking requirements) for their commercial development(s). It is staffs understanding that these requirements, when strictly enforced, do not apply to all developments, uniformly. Accordingly, staff has devised a "Parking Study Option", which may be utilized by commercial developers as an alternative to the current parking minimum.

Staff is proposing to allow flexibility within the prescribed parking standards by requiring sufficient evidence to be submitted by a traffic/parking professional. This evidence shall address several key factors affecting a reduction (below the required minimum) or increase (above the 125% maximum) in the provision of parking to ensure that the public health, safety and general welfare of all stakeholders are being met. Some factors include: site specific access, mix and traffic loads, anticipated parking turnover and alternative transportation option availability.

To date, the Unified Development Ordinance requires parking to be enforced as stated below:

7.10 Off-Street Parking and Loading/Parking Requirements

"Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Administrator for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building." Generally, minimum parking requirements are based on the square footage, number of employees or service areas. However, these requirements may not always correspond directly with actual realized parking utilization rate(s).

Evaluation:

As prescribed in the Pender County Unified Development Ordinance (UDO) Article 3.18.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Comprehensive Land Use Plan Compliance:

The Zoning Text Amendment is in compliance with Goals and Policies in the Comprehensive Land Use Plan:

Policy 1A.1.4 The County should develop and utilize innovative and flexible land planning techniques that encourage developments to efficiently use land resources that result in more compact urban areas, infill development, redevelopment, and the adaptive re-use of existing buildings.

Policy 1A1.5 The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

Policy 3A1.2 Use the creation of the Unified Development Ordinance (UDO) as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

There are no conflicting policies within any adopted land use documents.

Staff Recommendation:

The proposed text amendment is consistent with the Unified Development Ordinance and Comprehensive Land Use Plan. Therefore, staff is recommending approval of the amendment as presented.

Planning Board

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous** _____

Boney: __ Marshburn: __ Baker: __ Edens : __ McClammy: __ Nalee: _____ Williams: __