

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – October 15, 2013
Board of County Commissioners – October 21, 2013
Applicant: Administrator, Division of Planning
Application Number: ZTA 11028 Pender County

Text Amendment Proposal: Resolution to Amend the Pender County Unified Development Ordinance, Section 3.5.2.D, addressing the waiver criteria for Master Development Plan requirements in the Commercial and Industrial Districts; Section 5.2.3, Table of Permitted Uses by adding the use of an Industrial Park to the General Industrial (GI) zoning district; Section 5.3.11, adding use standards to Industrial Parks located within the GI District, and adding a definition of an Industrial Park to Appendix A.

Background: The proposed amendments clarify recent issues that have been brought to staff's attention regarding the approval and subdivision procedures for Industrial Parks, as well as ordinance regulations governing individual sites located within approved Industrial Parks.

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

Amendment Outline:

The following outline describes the proposed amendments by topic. The proposed amendments clarify recent issues that have been brought to staff's attention regarding the approval and subdivision procedures for Industrial Parks as well as ordinance regulations governing individual sites located within Industrial Parks.

3.5 Master Development Plans

3.5.2.D Waivers to the Master Development Plan (Attachment 1)

Due to the requirement that an Industrial Park must obtain and comply with site specific conditions of a Special Use Permit (SUP), it's recommended that the Master Development Plan process be waived and that a preliminary plan be submitted to the Administrator for review. There are specific conditions to be eligible for an Industrial Park which are outlined in the attachments supporting this report (Section 3.5.2.D).

Table of Permitted Uses 5.2.3

Miscellaneous Uses (Attachment 2)

In order to develop design standards for Industrial Parks, they must be their own specified use within the Table of Permitted Uses. It is recommended that an Industrial Park be allowed in the GI, General Industrial zoning district with an approved Special Use Permit obtained by the Pender County Board of Commissioners.

The GI, General Industrial zoning district is outlined in section 4.10.2 of the Pender County UDO and is defined as a district intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment which may not be compatible with certain Industrial Transitional uses. These uses generally are more intense and are located on larger tracts.

Currently, there are two additional standards within the GI district (Section 4.2.10.A):

A. Development Standards / Applicability

1. Additional building height is allowed at a rate of one additional foot of height for every one foot of additional yard depth (front and sides).
2. Complete fencing with vegetative screening if the abutting land is in a residential district. The fence shall be a minimum of 6 feet.

The design standards provided within Attachment 2 accompanying this report are broken down in terms of review procedures, subdivision/park requirements, and individual site design standards for uses within an approved Industrial Park. The intention of providing these specific standards is to address unique circumstances that this type of development may have in relation to other development types throughout the county.

Appendix A

Definitions (Attachment 3)

Industrial Park is not defined in the Pender County UDO; this amendment would include a definition of Industrial Park.

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 County Commissioners 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 following goals and policies within the Pender County Comprehensive Land Use Plan may be relevant to the proposed Zoning Text Amendment request:

Growth Management Goal 1A.1

Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

Policy 1A.1.5 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 10A.1.3: Provide water and sewer infrastructure on a priority basis to locations suitable for industrial and business development.

Policy 10A.1.2: Commit County resources to improve and expand efforts to retain and recruit industries. Place emphasis on re-use of vacant buildings, recruitment of clean industries, and creation of jobs. (Clean industries are generally defined as sustainable businesses that participate in environmentally-friendly activities to ensure that all processes, products, and manufacturing activities adequately address environmental concerns.)

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 amendments as presented.

Planning Board

Motion: Seconded:

Approved:_____ Denied:_____ Unanimous:_____

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