

PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – December 3, 2013

Board of County Commissioners – December 9, 2013

Applicant: Administrator, Division of Planning

Application Number: ZTA 11069 Pender County

Text Amendment Proposal: The request consists of amending the Pender County Unified Development Ordinance. The proposal consists of amending: Section 7.10.5, specifically amending the surface standards by adding a provision to increase the flexibility in administering the surfacing standards for site(s) recognized by the National Register of Historic Places; Section 8.1.2, Applicability of the Landscaping and Buffering standards as they apply to site(s) recognized by the National Register of Historic Places and Section 4.14 Zoning District Dimensional Requirements, specifically amending the building separation setbacks for the GI, General Industrial and Industrial Transitional Districts.

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

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

The following outline describes the proposed amendments by topic. The proposed amendments clarify recent issues that have been brought to staff's attention regarding Historical Sites within Pender County. Detailed information of all the changes is included in the informational packet which has been distributed to accompany this report.

7.10.5 Surfacing

Surfacing (Attachment 1)

Through staff research and experience, it has been determined that the Unified Development Ordinance (UDO) does not currently include provisions to fully accommodate the various needs that may arise while reviewing historical sites.

As such, it is evident that, given the rural nature of many historical sites in Pender County, regardless of the nature of their particular operations (Residential, Commercial etc.), may induce conflict(s) with the "Surfacing" standards of the UDO. In particular, historical sites, in keeping with the nature, purpose and intent of the site(s) heritage, may need to ensure that the rural integrity of the site(s) remains intact, further superseding the need to surface their parking to NCDOT's paving standards, based on the current zoning of the tract or district.

Consequently, staff is recommending that upon successful submission of National Register of Historic Places documentation, an applicant will qualify to exempt one's site(s) from the paving standards set forth in the Surfacing section of the UDO. The aforementioned flexibility is detailed further in Attachment 1.

8.1.2 Applicability

Applicability (Attachment 2)

Through staff research and experience, it has been determined that the Unified Development Ordinance (UDO) does not currently include standards to fully accommodate the various needs that may arise while reviewing historical sites. Specifically, it is necessary to create a means to preserve the heritage and/or nature of culturally significant sites where the introduction of inconsistent vegetation or materials may be inconsistent with the intended historical landscape.

As such, it is evident that, given the unique nature of many historical sites in Pender County, regardless of the nature of their particular operations (Residential, Commercial etc.), may induce conflict(s) with the "Landscaping and Buffering" standards of the UDO.

Consequently, upon successful submission of National Register of Historic Places documentation, an applicant will qualify to exempt one's site(s) from the standards set forth in the Landscaping and Buffering Article of the UDO. The aforementioned flexibility is detailed further in Attachment 2.

4.14 Zoning District Dimensional Requirements

Building Separation (Attachment 3)

The Pender County Board of County Commissioners recently amended the Pender County Unified Development Ordinance to allow structure (building) separation for Industrial Parks to be in harmony with the current NC Building Code. Currently the Pender County Unified Development Ordinance Section 4.14, Zoning District Dimensional Requirements outlines any new structure built that exceeds 1,200 square feet located within the GI, General Industrial and IT, Industrial Transition zoning districts would need to meet a minimum structure separation of 100' and 50' respectively. This would be for any new structure built that exceeds 1,200 square feet in area. After further review, in order to allow for more consist design of structures located within the GI, General Industrial and IT, Industrial Transition zoning districts; amending Section 4.14 to allow all structures with in the aforementioned zoning districts to meet the NC Building Code structure separation. This could allow for strategic placement of structures relative to a site's specific operation along with more uniform design within the GI and IT zoning districts.

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:

Historic and Cultural Resources Protection Goal 6B.1

Ensure that historic and cultural resources are maintained or enhanced as development occurs.

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 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 3A.1.2 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 amendments as presented.

Planning Board

Motion: _____ **Seconded:** _____

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

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