

## PLANNING STAFF REPORT

### Zoning Text Amendment

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#### SUMMARY:

**Hearing Date:** Planning Board – December 3, 2013

Board of County Commissioners – December 9, 2013

**Applicant:** Administrator and Flood Plain Administrator, Planning & Community Development

**Application Number:** ZTA 11019 Pender County

**Text Amendment Proposal:** The request consists of amending the *Pender County Unified Development Ordinance* to remove Article 9, Flood Damage Prevention and create an independent document titled *Pender County Flood Damage Prevention Ordinance* containing this information.

**Background:** The following text amendment will allow for greater continuity and increased attentiveness of flood regulations in all Pender County documents. Proposals in the *Pender County Unified Development Ordinance* will update flood standards and allow for continuity in published ordinances.

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

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#### Amendment Outline

The following outline describes proposed amendments by Section of the *Pender County Unified Development Ordinance* and the creation of the *Pender County Flood Damage Prevention Ordinance*. Proposed amendments are in accordance with current Flood Plain Management regulations set forth by North Carolina Department of Public Safety as well as the Federal Emergency Management Agency, FEMA; both agencies establish best practices for managing identified flood zones in the State.

Further administrative recommendations are related to updating the *Pender County Unified Development Ordinance* numbering system due to the removal of Article 9 from the document.

#### **Remove Article 9 Flood Damage Prevention from *Pender County Unified Development Ordinance***

Removing Article 9 from the *Pender County Unified Development Ordinance* will require renumbering Article 10, 11, and 12 to accommodate this change. All subsequent numbering will be amended to reflect the removal of Article 9.

#### **Create *Pender County Flood Damage Prevention Ordinance***

The proposed *Pender County Flood Damage Prevention Ordinance* was developed by removing Article 9 and reviewing consistency with published documents for flood plain management by both the State of North Carolina and FEMA for the most current

regulations. The Flood Plain Administrator reviewed all necessary changes in accordance with the North Carolina Department of Public Safety as well as FEMA, the Federal Emergency Management Agency. This independent ordinance is Attachment One.

### **Update Pender County Unified Development Ordinance**

Proposed amendments to the Ordinance clarify dimensional standards as they relate to flood hazard zones in Section 4.14 Zoning District Dimensional Requirements, seen in Attachment 3. Note Two specifies which zoning districts a maximum height requirement as forty-five (45) feet as it relates to the Special Flood Hazard Area (SFHA). Added to this note is the allowance of additional height which is based upon the regulatory flood prevention protection elevation, specifying this measurement to be the Base Flood Elevation (BFE) plus the two (2) feet build above freeboard.

Secondly, two other zoning districts were added to the maximum height requirements in Note 2 of Table 4.14; RA, Rural Agriculture, RP, Residential Performance were already included RM, Residential Mixed and PD, Planned Development were added. These height standards are intended for increased consistency of single family dwelling height requirements in these districts and would still require Master Plan Approval for mixed-use developments in the Planned Development Zoning District. This is reflected in Attachment Two.

Finally, a comprehensive examination of the *Pender County Unified Development Ordinance* definitions was conducted by staff. Specific definitions were updated as well as terms added the based on the flood regulation removal from the document. These changes can be seen in Attachment Four.

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## **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.

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## **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 the predominantly rural lifestyle and coastal environment that makes the County a unique place to live.

### **Policy 1A.1.3.**

The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas , and hazardous areas.

There are no conflicting policies within any adopted land use documents. The proposed text amendment revises the *Pender County Unified Development Ordinance* and creates an independent Ordinance pertaining to flood standards.

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## **ADMINISTRATOR RECOMMENDATION**

The proposed text amendment is consistent with the *Pender County Unified Development Ordinance*, 2010 Comprehensive Land Use Plan with current Flood Plain Management regulations set forth by North Carolina Department of Public Safety as well as FEMA, the Federal Emergency Management Department; therefore the Administrator respectfully recommends amending the *Pender County Unified Development Ordinance* as described in the staff report and attachments.

The proposed text amendment is consistent with the *Pender County Unified Development Ordinance* and with current Flood Plain Management regulations set forth by North Carolina Department of Public Safety as well as FEMA, the Federal Emergency Management Department. Therefore, staff is recommending approval of the amendments as presented.

**Planning Board**

**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Unanimous** \_\_\_\_\_

Boney: \_\_ Marshburn: \_\_ Baker: \_\_ Edens: \_\_ McClammy: \_\_ Nalee: \_\_\_\_\_ Williams: \_