

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – February 4, 2014
Board of County Commissioners – February 18, 2014
Applicant: Administrator, Division of Planning
Application Number: ZTA 11114 Pender County

Text Amendment Proposal: Resolution to Amend the Pender County Unified Development Ordinance, to create Appendix E titled *Conditional Rezoning Districts*; as well as administrative update references throughout the document associated with Conditional Zoning Districts.

Background: The proposed amendments will allow for greater clarity for all conditional zoning districts; Appendix E *Conditional Rezoning Districts* will outline the approved conditions particular to each conditionally zoned parcel. Updates throughout the Pender County Unified Development Ordinance will refer to Appendix E *Conditional Rezoning Districts* for conditions particular to these properties. This update will easily allow staff to share with the public information concerning approved conditional rezoning districts.

Administrator Recommendation: Staff respectfully recommends approval of the aforementioned Text Amendment to the Pender County 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 will clarify conditions particular to subject parcels in approved conditional rezoning cases.

Create Appendix E

The proposed Appendix E titled *Conditional Rezoning Districts* will be a composite of all approved conditional rezoning districts and the conditions specific to subject parcel which differ from the underlying zoning district. By cataloging all approved conditional rezoning cases in Appendix E staff proposes this information will be readily available and easy for citizens to access. As additional conditional zoning districts are established, Appendix E will be updated accordingly. Proposed Appendix E *Conditional Rezoning Districts* is shown in Attachment 1.

Administrative Updates

In order to ensure consistency with the proposed Appendix E *Conditional Rezoning Districts*, the references to conditional rezoning districts throughout the Pender County Unified Development Ordinance must be updated. The following amendments are necessary to ensure readability of the Pender County Unified Development Ordinance.

3.4 CONDITIONAL REZONING

3.4.1 Intent

- F. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, on small and large scale projects.
- G. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- H. The following zoning district categories are approved to be assigned conditional zoning districts: RA, PD, RP, RM, GB, OI, IT, GI (Reference Article 4 and [Appendix E](#) for Zoning District Descriptions).

4.4 ZONING DISTRICTS ESTABLISHED

In order to implement all purposes and provisions of this Ordinance and the adopted Comprehensive Land Use Plan, and any other adopted County land use documents, the following districts are hereby established:

ZONING DISTRICTS	
Symbol	Name
Residential Districts	
RA	Rural Agricultural
RP	Residential Performance
RM	Residential Mixed
MH	Manufactured Housing Community
Mixed Use Districts	
PD	Planned Development
Commercial Districts	
GB	General Business
OI	Office Institutional
Industrial Districts	
IT	Industrial Transitional
GI	General Industrial
Special Purpose Districts	
EC	Environmental Conservation
Overlay Districts	
AV	Aviation Support
FH	Flood Hazard Area
WS-PA	Watershed Protected Area
WS-CA	Watershed Critical Area
Conditional Districts	
For all approved Conditional Zoning Districts Reference Appendix E	

EVAULATION:

Approval Criteria

As prescribed in the Pender County Unified Development Ordinance Section 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, the CAMA Land Use Plan, 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 character of and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

Policy 1A.1.6. Use conditional zoning process to enable developers to contribute to addressing the impact of developments on capital facilities and other resources; incorporate regulations into new Unified Development Ordinance to enable a small project to address specific impacts to an existing adjacent community.

RECOMMENDATION:

The proposed text amendment is consistent with the Unified Development Ordinance and Comprehensive Land Use Plan. Staff respectfully recommends approval of the aforementioned Text Amendment to the Pender County Unified Development Ordinance as described in the staff report and attachments.

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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