PLANNING STAFF REPORT
Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – October 7, 2014
Board of County Commissioners – November 17, 2014
Applicant: Administrator, Division of Planning
Application Number: ZTA 11245 Pender County

Text Amendment Proposal: Pender County is requesting an amendment to the Pender County Unified Development Ordinance; Section 7.10, Off-Street Parking and Loading/Parking Requirements, 7.10.5 Surfacing, and Daycare Parking minimum(s); a detailed description of the amendment is available in the Planning Department offices for review.

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), **7.10.5 Surfacing** for their commercial development(s) and the minimium parking requirement for Daycare facilities. It is staffs understanding that these requirements, when strictly enforced, do not apply to all developments, uniformly. Accordingly, staff has devised a "Shared Parking Option", a "5 or fewer parking spaces" relief option(s), and crafted a new Day Care facility minimum parking requirement, all of which may be utilized by commercial developers as alternatives to the current parking minimum.

Staff is proposing to allow flexibility within the prescribed parking standards by enabling developments requiring 5 or fewer parking spaces relief from the paving requirements of the current Unified Development Ordinance (UDO) and/or by allowing developments to share parking with other developments in an effort to reduce private costs and public externalities. Further, the minimum parking requirement, which has been deemed onerous (1 per employee + 1 per each attendee) and inconsistent with staff's research has been modified to more closely resemble a formula that approximates the true supply required for said facilities. The requirement is being modified to read as follows: "2 spaces for each employee on maximum shift or 1 space for each employee on maximum shift plus an area designated for children dropoff and pick-up that must be approved by the agency responsible for the approval of off-street parking facilities."

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):

7.10.5 Surfacing
B. Non-Residential Uses in all other Zoning Districts

1) Required Parking Spaces- All required off-street parking spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards as prescribed by the "Secondary Road Manual."

It is understood that small scale developments requiring 5 spaces or fewer may be overburdened and in conflict with the Comprehensive Land Use Plan in the event that they are required to pave a small number of parking spaces.

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:

Policy1A.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_____

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