

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: June 2, 2015– Planning Board
June 22, 2015– Board of Commissioners
Applicant: Pender County
Case Number: ZTA 11379

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a zoning text amendment to the Pender County Unified Development Ordinance (UDO) to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys for setback certification and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications.

Background: The zoning text amendment proposal is the result of various administrative discussions in attempt to provide a more efficient and effective setback certification process for customers and staff, expediting review by eliminating unnecessary steps.

Administrator Recommendation: The Administrator respectfully recommends approval of the zoning text amendment to the Unified Development Ordinance as described in the following report, as it is consistent with the Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents.

Amendment Outline:

The first portion of the proposed text amendment amends Section 3.2.2.B to allow for electronic submittal of required foundation surveys for setback certification. Currently, Section 3.2.2.B requires that foundation surveys be submitted in original form, signed and sealed by a professional land surveyor. The proposal adds a requirement that electronic submittals be signed electronically, thus making electronic submittals as equally valid as foundation surveys submitted in original form. This proposal adapts to technology improvements and accommodates a more efficient submittal process, resulting in improved customer service.

The second portion of the proposed text amendment amends Section 3.2.2.D to remove the requirement that a building inspector make a site visit to verify setbacks when a foundation survey is not required, if the approved site plan shows the setbacks to be double those required by the Unified Development Ordinance or shows front yard setbacks to be twenty (20) feet above the minimum required and side and rear yard setbacks to be ten (10) feet above the minimum required by the Unified Development Ordinance. This proposal allows approval of setbacks based on the submitted site plan, creating a more efficient process for both County staff and the customer.

The specific Unified Development Ordinance text to be amended is attached as Exhibit 1.

Evaluation:

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 Planning Board and 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.

2010 Comprehensive Land Use Plan Compliance:

There are no conflicting policies within any adopted land use documents for the proposed zoning text amendment. Based on technology improvements, the proposed zoning text amendment will allow for more efficient review of zoning applications, thereby improving customer service.

Staff Recommendation:

The proposed zoning text amendment is consistent with the Pender County Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents. Staff respectfully recommends approval of the zoning text amendment as presented, as it is consistent with the Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents, and improves customer service by allowing for more efficient review of zoning applications.

Planning Board

Motion: _____ **Seconded:** _____

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

Williams: __ McClammy: __ Fullerton: __ Baker: __ Edens: __ Marshburn: __ Nalee: __