

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: October 13, 2015 Planning Board
October 26, 2015 Board of Commissioners
Applicant: Pender County
Case Number: 11446

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Sections 8.1.2 and 8.2.2 to revise the requirements for buffer location and applicability. Additionally, to amend Section 7.6 to allow for cluster boxes as a permitted use in dedicated open space, Appendix A; Definitions to add Addressing Coordinator and Appendix D; Typical Forms and Surveyor Notes, to include Addressing Coordinator approval on Final Plat.

Background: The Zoning Text Amendment proposal is the result of a discussion about buffer requirements between a property owner and Planning Staff in attempt to provide alternatives to current landscaping and buffer standards that might be burdensome. Additionally, the Geographic Information System (GIS) Division is a new division within the Planning and Community Development Department and within this division addressing services are provided. Two Ordinances administered by the Addressing Coordinator in coordination with Emergency Services are; the Addressing and Display Ordinance and the Road Naming Ordinance. As these positions work closely with Planning Staff toward compliance on various development proposals there are several updates to the Pender County Unified Development Ordinance which will improve customer service and more clearly identify steps for approval.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as it is consistent with the Unified Development Ordinance and one (1) goal and three (3) policies within the 2010 Pender County Comprehensive Land Use Plan.

AMENDMENT DESCRIPTION

Buffering

The Zoning Text Amendment is offered in effort to provide greater flexibility of required buffers for landowners and/or developers whose proposed use on a site is relatively small compared to the overall size of the site. This application is a result of a discussion with a property owner who contacted the Planning office with a concern that a relatively small, new use on his site would trigger the requirement to install a landscaped buffer (specified in Section 8.2.6) around the entire perimeter of the relatively large site, potentially becoming cost prohibitive.

As defined in Section 8.2.1, a buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as berms, fence or wall, or combination hereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area."

Currently, if a new use or building is proposed on a site, buffers may be required per Section 8.1.2. The buffers, regardless of the area being developed on the site, are required to be located along the entire perimeter of the

parcel. If the parcel is large, it may become unreasonable to require a buffer around the entire site, because significant cost may be added to the project for the landowner and/or developer.

The first portion of the proposed Zoning Text Amendment amends Section 8.1.2 to clarify the applicability of the requirement of landscaping and buffering when a new use is introduced or an existing use is expanded on site. The second portion of the proposed Zoning Text Amendment amends Section 8.2.2 to add an exception to the required buffer location, providing an alternative from the current requirement that a buffer be located within the outer perimeter of a lot or parcel. The new exception would allow the buffer on a site five (5) acres or larger to be located within the outer limit of disturbance of the use. This proposal alleviates potentially cost-prohibitive and burdensome buffer requirements of the Unified Development Ordinance.

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

Addressing

The second portion of the Zoning Text Amendment is to include the Addressing Coordinator as a required signatory on a residential subdivision Final Plat for recordation at the Register of Deeds. By formally including the Addressing Coordinator in this approval, all roadway arrangements, connections and road names are finalized with Emergency Services. The Addressing Coordinator is a part of the TRC to provide comments to the applicant in the preliminary development phases and a required signature on the Preliminary Plat. An additional signature line on the Final Plat will provide assurance that road names have been reviewed and are in compliance limiting potential safety issues in the future mainly by eliminating the potential for duplicate road names to be issued. This addition will be in Appendix D; Typical Forms and Surveyor Notes.

The definition of Addressing Coordinator is required to Appendix A; Definitions of the Unified Development Ordinance. The Road Naming Ordinance defines Addressing Coordinator as; the official charged with administration of this ordinance including their authorized representatives. The Addressing Coordinator shall be defined as; Individual, including their authorized representatives, charged with the administration of the road naming and addressing guidelines along with the coordination of the E-911 Operations Director.

Finally, this Zoning Text Amendment includes a portion to allow for cluster boxes to be identified as a permitted use in dedicated open space within a development. After meeting with representatives from the US Postal Services, individual mailbox locations at residences and commercial office parks are no longer permissible in an effort to increase efficiency. The Amendment is to allow for these structures to be designed in open space and outside of the identified NCDOT right of way. This would allow developers to design cluster box locations, especially for ingress and egress at the preliminary development stages rather than as they are working with the Postal Service for mail services after the development is finalized. This amendment would be accommodated in the text in Section 7.6 Open Space.

The specific Unified Development Ordinance text to be amended is attached as Exhibit 2.

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.

Appendix A of the Ordinance defines buffer as an open area used to separate one use from another. Section 8.1.1.F states a portion of the intent of landscaping and buffering: buffer and landscape trees and other plants also help reduce noise from auto traffic, glare from auto and other lights and help collect and reduce litter from reaching adjacent properties. This text amendment attempts to advance the public health, safety and welfare by being consistent with Appendix A and Section 8.1.1.F of the Unified Development Ordinance.

In an effort to provide efficient customer service and development approvals, Planning Staff is proposing to the Addressing Text Amendment items discussed, which are consistent with public health, safety and welfare.

2010 Comprehensive Land Use Plan Compliance:

There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This Zoning Text Amendment request is consistent with one (1) goal and three (3) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

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.

Emergency Services Goal 2E.1 Ensure adequate response times and capabilities of Sheriff, Police, Fire and Emergency Medical Services.

Policy 2E.1.1 Coordinate plans for Emergency Services, Fire and Emergency Medical Service facilities with the Comprehensive Land Use Plan, Transportation Plan and Metropolitan Planning Organization requests for Transportation Improvement Program funding.

Policy 3A.1.2 To the extent possible, incorporate more flexible zoning categories that establish performance standards and do not exclude uses as much as encourage compatible co-location of uses to encourage sustainable land use patterns. Neo-traditional or traditional neighborhood planning standards should provide for a compatible mix of uses to encourage more livable communities.

RECOMMENDATION

The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as it is consistent with the Unified Development Ordinance and one (1) goal and four (4) policies within the 2010 Pender County Comprehensive Land Use Plan.

BOARD ACTION FOR ZONING TEXT AMENDMENT

Motion: _____ **Seconded:** _____

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

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