

## PLANNING STAFF REPORT ZONING TEXT AMENDMENT

---

### SUMMARY:

**Hearing Date:** April 5, 2016 Planning Board  
May 16, 2016 Board of Commissioners

**Applicant:** Stroud Engineering

**Case Number:** ZTA 179-2016

**Text Amendment Proposal:** Stroud Engineering, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO). Specifically, the request is to amend Section 4.14 Zoning District Dimensional Requirements, in order to align the minimum structure separation requirements with the setback requirements in the GB, General Business zoning district. Staff is in agreement that it is good practice to have structure separation requirements the same as setback standards, and is proposing similar amendments in the RA, Rural Agricultural, RP, Residential Performance, OI, Office Institutional and EC, Environmental Conservation zoning districts.

---

### 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 other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. There are no known conflicts with any other approved plans.

---

### AMENDMENT DESCRIPTION

Presently, as pointed out by the applicant, there are conflicting standards within the same table as it applies to the GB, General Business zoning district in the Pender County Unified Development Ordinance Table 4.14. The side and rear minimum structure setbacks are 10-feet from the property line, however the minimum separation requirement in the same district states that a 50-foot separation is required between principle structures. The applicant believes the intent of the ordinance was only to require a 20-foot structure separation.

Essentially, a developer could place buildings closer together on two individual parcels than on one parcel alone that way the ordinance is written. This is because there is a 20-foot separation created on two parcels (because of the two 10-foot setbacks) and a 50-foot separation required on one parcel. Legacy language from the Zoning Ordinance prior to the Unified Development Ordinance is likely the reason for the conflicting requirements (Attachment One). The amendments are displayed on the chart (Attachment Two).

In order to align the Unified Development Ordinance and provide consistency, staff is proposing amending minimum structure separations to 30-feet in RA, Rural Agricultural, to 20-feet in RP, Residential Performance, to 20-feet in OI, Office Institutional and to 50-feet in EC, Environmental Conservation Districts. These are the same as the minimum side yard setbacks.

---

### 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. This Zoning Text Amendment request is consistent with one (1) goal and one (1) policy 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:

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

**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.

There are no conflicting policies in the 2010 Comprehensive Land Use Plan.

---

**RECOMMENDATION**

The proposed text amendment is consistent with one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan. The proposed amendment creates clarity in the ordinance. The Administrator respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report.

---

**BOARD ACTION FOR ZONING TEXT AMENDMENT**

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

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

Williams: \_\_\_ Fullerton: \_\_\_ Baker: \_\_\_ Edens: \_\_\_ McClammy: \_\_\_ Nalee: \_\_\_