

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: May 3, 2016 Planning Board
May 16, 2016 Board of Commissioners
Applicant: Pender County
Case Number: ZTA 169-2016

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance: Article 1 General Provisions, Article 6 Development Requirements and Content, Article 7 Design Standards, Article 11 Enforcement and Penalties, Appendix A, and add Articles 12 and 13. Specifically, the request is to amend: the Traffic Impact Analysis requirements (Section 6.1.2.A.15, Section 6.1.3.A.7, Section 6.1.4.A.16, Section 6.3.C.7 and Section 6.4.A.20); replace references to the *Coastal Pender Collector Street Plan* with the *Pender County Collector Street Plan* (Sections 1.5, Section 7.2.6, 7.2.7, 7.5.1); update cul de sac radius requirements (Section 7.5.1.F) and to incorporate the Addressing and Road Naming Ordinances into the Unified Development Ordinance (Articles 11, 12, and 13 and Appendix A).

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

The proposed amendment to the Unified Development Ordinance can be simplified by reviewing it as if it is five separate amendments to the document. The amendments will be described in that manner for simplicity.

The first of the amendments is to Article 7, specifically Section 7.5.1 (F). The purpose of amending this section is to modernize requirements on dead end and stub streets. The text provided was drafted from input generated after multiple conversations at the Planning Board. The amendment proposes that the County differentiates cul de sac requirements by the length of the street. This amendment also gives the Technical Review Committee and Planning Board the ability to approve alternate designs when specific criteria are met.

The second amendment is to Article 6, specifically the requirements for Traffic Impact Analysis studies on master development plans for residential districts, master development plans for commercial and industrial districts, master development plans for mixed use districts, major site development plans and preliminary plat submittals. This amendment requires that a Traffic Impact Analysis is performed when a project is going to generate 100 trips during peak morning or evening hours, or 1,000 trips per day. This amendment is being proposed for consistency with Chapter 6 of the Pender County Collector Street Plan, specifically the target performance measures listed in Table 5.

The third amendment is to Section 1.5, Section 7.2.6 and to Section 7.5.1. This amendment simply replaces references to the Coastal Pender Collector Street Plan with references to the Pender County Collector Street Plan adopted in 2016.

The fourth amendment is to Appendix A. This amendment adds definitions from the Road Naming and Addressing Ordinances into the Unified Development Ordinance. The following definitions will be added: Addressable Structure, Directional, Master Street Address Guide, Official Road Name, Pocket Neighborhood, Private Road, Public Road, Road, Road of Origin, Street Suffixes and T-Intersection.

The fifth and final amendment proposed incorporates the Pender County Road Naming Ordinance and the Pender County Addressing and Display Ordinance into the Unified Development Ordinance. This is necessary for improving efficiency in development approvals now that the GIS department, which houses addressing, has been incorporated into the Planning and Community Development Department. These ordinances have been combined into one chapter of the Unified Development Ordinance that will be located in Article 11. The current Article 11, Enforcement and Penalties, will be moved to Article 13. An Article 12 will be reserved for future needs. The adoption of this article will repeal those two ordinances in their entirety. In addition to incorporating these ordinances, regulations have been added to accommodate structures accessed by an alley or from the rear and the ability for the addressing coordinator to issue addresses following preliminary plat on lots with 100 feet of road frontage or less.

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 two (2) goals and four (4) 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:

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.1.4 The County should develop and utilize innovative and flexible landplanning 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.

Transportation Goal 2B.1 Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Coastal Pender Collector Street Plan.

Policy 2B.1.3 The County should utilize and promote a hierarchical, functional transportation system that prioritizes needed improvements, and promotes the proper arrangement of land use patterns to ensure and determine the proper levels of service (LOS) to reduce any associated negative impacts to the overall transportation network.

Policy 2B.1.4 Adopt regulations that require new developments and individual sites throughout the County to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.

Policy 2B.1.7 Ensure that the Coastal Pender Collector Street Plan, adopted on May 21, 2007, is used consistently when reviewing and approving new development proposals within the Hampstead and Scotts Hill areas of the County. Consider applying Plan recommendations for roadway connectivity to all new developments countywide.

There are no conflicting policies in the 2010 Comprehensive Land Use Plan. The amendments are consistent with the Pender County Collector Street Plan.

RECOMMENDATION

The proposed text amendment is consistent with two (1) goal and four (4) policies within the 2010 Pender County Comprehensive Land Use Plan. The proposed amendment will provide better customer service by streamlining the addressing process. It will update the Unified Development Ordinance to reflect Traffic Impact Analysis policies in the Pender County Collector Street Plan. It will eliminate repetitive debates over dead-end street policies. It will allow for controlled flexibility when development of dead-end streets is reviewed and it will replace outdated plan referenced. For these reasons, staff recommends approval of this 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: ___ Carter: _____ Edens: ___ McClammy: ___ Nalee: _____