

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: May 3, 2016

RE: Upcoming Zoning Text Amendments

Planning Staff continues to prepare additional zoning text amendments in order to further clarify and modernize the Unified Development Ordinance. The forthcoming amendments are intended to update the Ordinance with new legislation, reflect policies adopted in the Pender County Collector Street Plan and create clearer standards for streamlined development reviews. Staff will be introducing these issues to the Planning Board and generating conversation for policy input at the quarterly Planning Board work session in June. The following are Ordinance sections and topic areas that will be updated:

Collector Street Plan Policies

Staff will be further evaluating the adopted policies in the Pender County Collector Street Plan to incorporate into the UDO as development regulations.

Interconnectivity

The Ordinance needs to be updated for stronger requirements regarding interconnectivity and retrofitting improvements on substandard roadways. Staff is seeking guidance from outside resources on this issue.

The Ordinance needs to have a clear standard regarding when connections may be necessary. Multiple areas of the UDO reference that “reasonable” access be provided. The term “reasonable” needs to be replaced with a clear standard. There also needs to be standards for maintenance of private access easements incorporated in new developments.

Subdivision Review

The Ordinance requires a revision of performance guarantees for subdivision improvements in Article 6. S.L. 2015-187 (H.B. 721) clarifies the restrictions on performance guarantee requirements from a local government authority.

Additional clarity is required. At this time Staff is proposing no new regulations, only that these reorganized and clarified.

Notifications

Staff is researching amending notification policies to adjacent property owners. It has been suggested in several meetings that the requirements should be expanded further than the direct, adjacent property owners as outlined in NC GS § 153A-343.(a) Method of procedure. The Statute requires notification for zoning map amendments, however Pender County follows the same process for Master Development Plan, Major Subdivisions, Variances and Special Use Permits. An excerpt from the Statute can be seen below;

“The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.”

The consideration could include a buffer around a subject property to further notify property owners of amendment or plans on a particular property additional to the statutory requirement.

The following Ordinance Sections need to be updated to reflect the notification requirements policy change:

- Rezoning (Article 3)
- Master Development Plans (Article 3)
- Major Subdivisions (Article 3)
- Special Use Permits (Article 3)
- Variance requests (Article 3)
- Conditional Rezoning (Article 4)

Access Easements

The Ordinance needs to have more defined and clearer requirements on dealing with access easements. Staff will prepare an example with varying buffer distances for the Board’s review and direction. Currently there are standards scattered throughout the Ordinance in various subdivision regulations. Staff is advising the removal of these references and organizing them consistently in one place. This policy include splitting parcels accessed by an easement in Article 7, the creation of a policy on the number of structures accessed by the easement, and a consistent policy on the length and width requirements for these easements.

Administrative

The Ordinance requires an amendment to Article 3 to eliminate the reference that a rezoning is reviewed by the Technical Review Committee as this is not currently correct. Rezoning generally do not contain a level of detail for review by the TRC, staff consults with applicable agencies as necessary to render a recommendation on this application.

Parking

Parking requirements needs to be updated with standards for multi-family buildings. Currently the UDO does not contain standards for this type of development and the lack of this requirement could potentially cause complications with this type of development forthcoming.