

**PLANNING STAFF REPORT  
ZONING TEXT AMENDMENT**

---

**SUMMARY:**

**Hearing Date:** September 7, 2016 Planning Board  
October 17, 2016 Board of Commissioners  
**Applicant:** Marsh Creek Investments, LLC  
**Case Number:** ZTA 331-2016

**Text Amendment Proposal:** Marsh Creek Investments, LLC, applicant, is requesting a Zoning Text Amendment to the Pender County Unified Development Ordinance, Section 5.2.3 Table of Permitted Uses. Specifically, the proposal is to amend the Miscellaneous Use section to allow dry stacks and boat storage in the GB, General Business zoning district and to define Dry Stack Storage within Appendix A, Definitions.

---

**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 amendment is displayed in Attachment One. It specifically requests that the "Storage of boats and watercraft outdoors or on dry stack structures" be added and listed as "P" (for permitted) under the Miscellaneous Uses section of Article 5, Section 5.2.3 Table of Permitted Uses. The request would also add a definition of Dry Stack Storage. No additional changes have been requested. A dry stack is a facility where a boat is raised with a forklift or similar device so the boat may be stored in a covered structure.

---

**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.

Boat storage is a common use in coastal areas, and even more so in areas with a high volume of neighborhoods with Homeowner Associations that prohibit boat storage in residential yards and driveways.

Many times the use of dry stacks is incidental to other uses such as marinas or boat yards. Boat storage and dry stacks being proposed in GB, General Business zoning district, are currently allowable when they are associated with a marina as is explained in Section 5.3.12 Miscellaneous Uses Section F. Commercial Marinas are allowed with a Special Use Permit in the RA, Rural Agricultural zoning district and are permitted in conjunction with a Master Development Plan in RP, Residential Performance and PD, Planned Development zoning districts. These areas already allow these types of uses in a residential environment.

Many coastal areas regulate boat storage by imposing height, coverage and buffering requirements. It is not necessary to do this however, given the underlying zoning district has regulations of its own that are applied. The amendment as proposed treats boat storage similar to other storage uses, leaving these standards to be dictated by the underlying zoning district. The minimum front yard setback would be 25-feet and the maximum height would be 40-feet.

Staff examined regulations of Carteret County, Morehead City, Atlantic Beach and Onslow County. All of these areas allow boat storage in the general business type zoning districts.

#### **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:

**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.

**Economic Development Goal 10A.1** Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.

There are no identified conflicting policies in the 2010 Comprehensive Land Use Plan. There are no known conflicts with environmental policies or other adopted plans.

---

#### **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 potentially creates an economic benefit. There are no known additional negative environmental consequences. The amendment provides for the legal implementation of a logical use for an area with natural water resources and access as are found in Pender County. Therefore, the Administrator respectfully 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: \_\_\_