

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: September 7, 2016 Planning Board
September 19, 2016 Board of Commissioners
Applicant: Pender County
Case Number: ZTA 242-2016

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance, Article 7 Design Standards. Specifically, the request is to amend: Section 7.5 Street Design regarding temporary, dead end and stub street requirements.

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 two (2) goals and five (5) policies in the 2010 Pender County Comprehensive Land Use Plan and conflicts with none. There are no known conflicts with any other approved plans.

AMENDMENT DESCRIPTION

The proposed amendment to the Unified Development Ordinance is to Article 7, specifically Section 7.5.1 on street design. The purpose of amending this section is to modernize requirements on temporary, dead end and stub streets. The amendment was drafted from input generated after multiple conversations at the Planning Board and numerous field exercises performed by the Fire Department with planning staff.

On June 29, 2016 site visits were performed with live demonstrations of emergencies at three distinct locations with varying conditions. After viewing conditions with 60-feet, 70-feet and 80-feet of pavement, it became obvious that emergency equipment necessitates at least 80-feet of pavement to effectively function. Without the ability to assemble multiple pieces of apparatus at correct angles and in the proper order, response time and service delivery is compromised.

This amendment is also necessary for increased efficiency in the review process. Currently there are varying standards between NCDOT, the Fire Code and the Pender County Unified Development Ordinance. This creates an environment where standards are unclear, which has been leading to spending a great deal of time debating issues at the Technical Review Committee. When standards are inconsistent, regulations become ineffective. This leads to projects having to be re-designed, which is a lengthy and expensive process for applicants.

The amendment proposes that the County requires 80-feet of pavement and 90-feet of right of way on cul de sacs constructed in the future. It also provides illustrated alternative options for developers that may not want to install cul de sacs, including a Y intersection, a hammerhead style intersection and a T intersection. These options provide development standards acceptable for utilization of modern emergency equipment, while not requiring 96-feet of pavement as is required in Appendix D of the Fire Code. The alternatives provide flexibility to the development community, and potentially reduce cost, reduce maintenance, and reduce or eliminate environmental impacts in some cases.

The Planning Board discussed adding into the text of the Unified Development Ordinance a requirement that any new subdivisions with over thirty (30) lots be required to provide two (2) means of ingress and egress. After discussion on this requirement, it was requested that language be added in to clarify this could be fulfilled by providing a future connection, and not two (2) fully functional ingress/egress points immediately. Consideration should be given to making the fire marshal a signatory on final plats because of these new safety-related regulations.

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 five (5) 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.1.4 The County should develop and utilize innovative and flexible land planning 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.1.11 Allow and encourage flexible road design standards, incorporating low impact development and smart growth principles.

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

Policy 2E.1.2 Ensure that streets and parking lots within new developments are designed and constructed to accommodate the turning radius and load bearing requirements for emergency services vehicles and equipment.

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

RECOMMENDATION

The proposed text amendment is consistent with two (2) goals and five (5) policies within the 2010 Pender County Comprehensive Land Use Plan. The proposed amendment will provide better customer service by eliminating debates regarding the size of cul de sacs required. It will allow Emergency Services adequate space to provide services and contribute to a safer community. 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: _____