

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: October 4, 2016 Planning Board
November 21, 2016 Board of Commissioners

Applicant: Laura Rivenbark

Case Number: ZTA 357-2016

Text Amendment Proposal:

Laura Rivenbark, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.2.3 Table of Permitted Uses to allow Artisan Manufacturing as a permitted use in the RA, Rural Agricultural, GB, General Business, IT, Industrial Transitional, GI, General Industrial zoning districts and via Special Use Permit in the RP, Residential Performance zoning district.

RECOMMENDATION

The Administrator respectfully recommends approval of the requested Zoning Text Amendment to the Unified Development Ordinance as modified and described in this report, as it increases opportunities for small businesses to operate in Pender County and it is consistent with other areas of the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. The amendment, as modified, is supported by one (1) goal and four (4) policies in the 2010 Pender County Comprehensive Land Use Plan. There are no known conflicts with any other approved plans.

Staff has recommended adding a clear definition of Artisan Manufacturing in Appendix A, and is also recommending making the use permitted in the PD, Planned Development, GB, General Business and IT, Industrial Transitional zoning districts and via special use in the RA, Rural Agricultural and RP, Residential Performance zoning districts. Additionally, staff is recommending several additional limitations in the RP zoning district in order to protect adjacent properties.

Staff feels the aforementioned modifications are beneficial to an expanded population, and that the modified zoning districts are appropriate places to locate Artisan Manufacturing uses. Expanding the amendment to include these areas would be beneficial to a number of businesses that potentially fall into the category as newly defined.

AMENDMENT DESCRIPTION

Artisan Manufacturing will be added as a use and defined as follows: On-site production of goods by hand manufacturing involving the use of hand tools and small-scale light mechanical equipment. Artisan Manufacturing businesses may not exceed 2,500 square feet. Typical uses include woodworking and cabinet shops, electronic goods, food and bakery products, printmaking, leather products, clothing and apparel, glass products, paper crafts, ceramic studios, jewelry manufacturing and similar types of arts and crafts or small-scale manufacturing uses that have limited, if any, negative external impacts on surrounding properties, water resource, air quality and/or public health. Artisan manufacturing in the RP, Residential Performance zoning district may not include direct retail, loading areas or outdoor storage of products or materials.

The 2,500 square foot limitation was included because larger businesses would be classified with larger scale operations associated with more industrial zoning classifications. Larger operations are better suited to these types of districts as has always been allowed.

Currently, a number of small artisan businesses are classified with larger scale operations and fall within those zoning regulations. Many of these businesses create products that are allowed to be mass produced in industrial districts such as Industrial Transitional and General Industrial, but not in the General Business or mixed use districts because they are zoned under large-scale production regulations. A good example of this would be a custom woodworking studio. Currently the Unified Development Ordinance only allows this to happen under Wood Product Manufacturing in Industrial Transitional and General Industrial, but not in General Business or Planned Development. Many of these businesses are a natural fit in these zoning districts, and may even be appropriate in RA, Rural Agricultural or RP, Residential Performance zoning districts when special conditions are imposed. The goal of this amendment is to increase the opportunity for small businesses to locate in more locations.

Staff has researched language and policies from various cities and counties regarding the zoning of similar businesses and adapted language from their ordinances to suit the current climate in Pender County. The language is presented for your review in Attachment One.

Conversations amongst staff focused around the limitation's that are associated when all related businesses, regardless of size, are classified together. This limits suitable locations for many businesses to operate and the intent of the modified amendment is to expand

As proposed, opportunities are expanded for businesses while still offering built-in protection in residential areas via the Special Use Permit process. This allows for further review, neighborhood cohesiveness and other protections where they may be appropriate.

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 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.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.

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.

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.

Policy 3A.1.2 To the extent possible, incorporate more flexible zoning categories that establish performance standards and do not exclude uses as much as encourage compatible co-location of uses to encourage sustainable land use patterns. Neo-traditional or traditional neighborhood planning standards should provide for a compatible mix of uses to encourage more livable communities.

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

RECOMMENDATION

The proposed text amendment, as modified by staff, is consistent with one (1) goal and four (4) policies within the 2010 Pender County Comprehensive Land Use Plan. The proposed amendment as modified creates additional opportunities for small businesses to locate 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: ___ Edens: ___ McClammy: ___ Nalee: ___