

**PLANNING STAFF REPORT
ZONING TEXT AMENDMENT**

SUMMARY:

Hearing Date: October 4, 2015 Planning Board
November 21, 2016 Board of Commissioners

Applicant: Coastal Horizons Center, Inc.

Case Number: ZTA 366-2016

Text Amendment Proposal: Coastal Horizons Center, Inc., 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, in order to allow Outpatient Mental Health and Substance Abuse Centers (NAICS 621420) in the GB, General Business zoning district as a permitted use.

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 the Pender County Unified Development Ordinance and with the 2010 Pender County Comprehensive Land Use Plan. The request is supported by one (1) goal and three (3) policies in this plan. There are no known conflicts with any other approved plans. The text amendment request is supported by the Pender County Health Department 2016-2020 Strategic Plan and the Community Health Assessment.

AMENDMENT DESCRIPTION

As pointed out by the Applicant, there is an increasing need for rehabilitation services in Pender County and the surrounding community. Currently NAICS 621420 is allowed in Pender County with a Special Use Permit in the OI, Office Institutional zoning district. This request would allow this use to be permitted by right in the GB, General Business zoning district. The proposed change is demonstrated in Attachment One. The NAICS description is attached as Attachment Two.

The attachments adds a P (for Permitted Use) in the Outpatient Mental Health and Substance Abuse Center category that already exists in the permitted use chart.

The GB, General Business zoning district is described in the Unified Development Ordinance Section 4.9.1. It states: This district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail and personal service uses. The request is congruent with the description of this district.

This amendment allows for increased opportunities to provide healthcare services for patients closer to home, and for existing facilities to expand the services they are already providing. All specific reviews will be per site plan and final zoning. This request is supported in the Public Health Goals and Objectives in the 2016-2020 Pender County Health Department Strategic Plan, which recognizes the expanded access for mental health care services, as well as the Community Health Assessment recommendations for Action, which states there is an overall need for more providers and services offered in community for mental health and substance use. The top priority in the 2014 Community Health Assessment was mental health and substance abuse.

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 three (3) 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.1.5 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.

Policy 4A.1.3 Establish flexible development regulations which encourage a variety of mixed use and infill and re-development along US Highway 17 corridor.

There are no known conflicting policies in the 2010 Comprehensive Land Use Plan or any other adopted plans.

RECOMMENDATION

The proposed text amendment is consistent with one (1) goal and three (3) policies within the 2010 Pender County Comprehensive Land Use Plan and is consistent with other areas of the Unified Development Ordinance.

The text amendment is supported by the Pender County Health Department 2016-2020 Strategic Plan and the Community Health Assessment. Therefore, the Administrator is recommending 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: ___